

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

EUGENE VOLOKH, RUMBLE CANADA
INC., and LOCALS TECHNOLOGY INC.,

Plaintiffs,

v.

LETITIA JAMES, in her official capacity as
New York Attorney General,

Defendant.

Civil Action No.: 1:22-cv-10195

**DECLARATION OF DANIEL M.
ORTNER IN SUPPORT OF
PLAINTIFFS' MOTION TO ENFORCE
PRELIMINARY INJUNCTION ORDER**

In accordance with 28 U.S.C. § 1746, I, Daniel M. Ortner, declare as follows:

1. I am over the age of 18 and have personal knowledge of the facts in this declaration.
2. I am an attorney with the Foundation for Individual Rights and Expression and counsel for Plaintiffs in this action. I am admitted to the bar of the States of California and Virginia.
3. A true and correct copy of the October 12, 2023 letter, "RE: Removing Calls for Violence on the Rumble Platform" issued by New York Attorney General Letitia James is attached as **Exhibit A**.
4. A true and correct copy of the form letter that was sent to the Investigated Networks and posted on the Attorney General's website is attached as **Exhibit B**.
5. A true and correct copy of the the October 13, 2023 press release issued by the Attorney General that was posted on the Attorney General's website is attached as **Exhibit C**.

6. A true and correct copy of the October 18, 2023 letter from Plaintiffs' counsel, on behalf of Rumble Canada Inc., replying to Attorney General Letitia James's October 12, 2023 letter is attached as **Exhibit D**.

7. A true and correct copy of Attorney General James's October 19, 2023 response to Rumble's letter, entitled "RE: The New York State Attorney General's October 12, 2023 Letter to Rumble Inc." is attached as **Exhibit E**.

8. A true and correct copy of an excerpt of the transcript of the June 2, 2022 session of the New York State Senate is attached as **Exhibit F**.

I declare under penalty of perjury that the foregoing is true and correct to the best of my personal knowledge.

Executed on December 1, 2023.

/s/ Daniel M. Ortner
DANIEL M. ORTNER

CERTIFICATE OF SERVICE

Plaintiff's counsel confirms that a true and correct copy of the foregoing was served via the Court's electronic filing system on this day, December 1, 2023. Notice of this filing will be sent by operation of the Court's electronic filing system.

DATED: December 1, 2022

Respectfully submitted,

/s/ Daniel M. Ortner

DANIEL M. ORTNER*

(California State Bar No. 329866)

JAMES M. DIAZ*

(Vermont Bar No. 5014)

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EXPRESSION

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Attorneys for Plaintiff

**Admitted Pro Hac Vice*

Exhibit A



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

LETITIA JAMES
ATTORNEY GENERAL

DIVISION OF ECONOMIC JUSTICE
BUREAU OF INTERNET & TECHNOLOGY

October 12, 2023

VIA EMAIL

Michael Ellis, Esq.
General Counsel and Corporate Secretary
Rumble Inc.
444 Gulf of Mexico Drive
Longboat Key, FL 34228

Re: Removing Calls for Violence on the Rumble Platform

Dear Mr. Ellis:

In the wake of the horrific terrorist attacks in Israel, there have been reports of growing antisemitism and Islamophobia, including threats of violence against Jewish and Muslim people and institutions. We have also become aware of press reports that terrorist groups and individuals that sympathize with them are disseminating calls for violence and other materials that may incite violence against Jewish and Muslim people and institutions on social media platforms. We are deeply concerned about this activity in light of the tragic history of such calls for violence. We would like to better understand how Rumble is ensuring that its platform (the "Platform") is not being used to incite violence and further terrorist activities, including by describing how the company is identifying, removing, and blocking the re-uploading of such content.

We request that you promptly respond to the following questions by October 20, 2023.

1. What actions, if any, has the company taken to address the recent calls for violence against Jewish and Muslim people and institutions and the possibility that the Platform may be used to plan, encourage, or disseminate those acts?
2. Describe in detail the public-facing terms of service, community rules, or other policies that prohibit users from using your Platform to disseminate calls for violence, including copies of any documentation or policies.
3. Describe in detail the company-facing policies that govern the determination of whether content is a call for violence that should be removed, including copies of any documentation and policies.

4. Describe in detail the company's process for reviewing and removing calls for violence in response to reports from Platform users, including copies of any internal documentation.
5. Describe in detail the company's process for identifying and removing calls for violence other than in response to reports from Platform users, including copies of any internal documentation.
6. Describe in detail the company's methods for identifying and removing additional copies of content that has been removed as a result of the processes described in response to Question 4 and Question 5.
7. Describe in detail the company's methods for blocking the re-posting of content that has been removed as a result of the processes described in response to Question 4, 5, and 6.
8. Describe in detail the company's policies regarding disciplining, suspending, and/or banning users for posting content that has been removed as a result of the processes described in response to Question 4 and Question 5.
9. Describe in detail whether content that has been removed as a result of the European Union's Digital Service Act is removed globally or whether such content remains accessible to users in the United States.
10. Explain whether the company has used the Global Internet Forum to Counter Terrorism hash-sharing database to identify content on the Platform calling for violence.
11. For all questions above, please identify the company or affiliate group responsible for such processes, including but not limited to the organizational chart for such group and the number of full and part-time employees in such group.

Please contact Jordan Adler at jordan.adler@ag.ny.gov or 212-416-6307 if you have any questions.

Sincerely,



Letitia James

Exhibit B



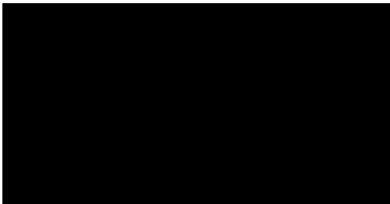
STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

LETITIA JAMES
ATTORNEY GENERAL

DIVISION OF ECONOMIC JUSTICE
BUREAU OF INTERNET & TECHNOLOGY

October 12, 2023

VIA EMAIL



Re: Removing Calls for Violence on the [REDACTED] Platform

Dear [REDACTED]:

In the wake of the horrific terrorist attacks in Israel, there have been reports of growing antisemitism and Islamophobia, including threats of violence against Jewish and Muslim people and institutions. We have also become aware of press reports that terrorist groups and individuals that sympathize with them are disseminating calls for violence and other materials that may incite violence against Jewish and Muslim people and institutions on social media platforms. We are deeply concerned about this activity in light of the tragic history of such calls for violence. We would like to better understand how [REDACTED] ensuring that its platform (the “Platform”) is not being used to incite violence and further terrorist activities, including by describing how the company is identifying, removing, and blocking the re-uploading of such content.

We request that you promptly respond to the following questions by October 20, 2023.

1. What actions, if any, has the company taken to address the recent calls for violence against Jewish and Muslim people and institutions and the possibility that the Platform may be used to plan, encourage, or disseminate those acts?
2. Describe in detail the public-facing terms of service, community rules, or other policies that prohibit users from using your Platform to disseminate calls for violence, including copies of any documentation or policies.
3. Describe in detail the company-facing policies that govern the determination of whether content is a call for violence that should be removed, including copies of any documentation and policies.

4. Describe in detail the company's process for reviewing and removing calls for violence in response to reports from Platform users, including copies of any internal documentation.
5. Describe in detail the company's process for identifying and removing calls for violence other than in response to reports from Platform users, including copies of any internal documentation.
6. Describe in detail the company's methods for identifying and removing additional copies of content that has been removed as a result of the processes described in response to Question 4 and Question 5.
7. Describe in detail the company's methods for blocking the re-posting of content that has been removed as a result of the processes described in response to Question 4, 5, and 6.
8. Describe in detail the company's policies regarding disciplining, suspending, and/or banning users for posting content that has been removed as a result of the processes described in response to Question 4 and Question 5.
9. Describe in detail whether content that has been removed as a result of the European Union's Digital Service Act is removed globally or whether such content remains accessible to users in the United States.
10. Explain whether the company has used the Global Internet Forum to Counter Terrorism hash-sharing database to identify content on the Platform calling for violence.
11. For all questions above, please identify the company or affiliate group responsible for such processes, including but not limited to the organizational chart for such group and the number of full and part-time employees in such group.

Please contact Jordan Adler at [REDACTED] or [REDACTED] if you have any questions.

Sincerely,



Letitia James

Exhibit C

**Letitia James**

New York State Attorney General

[Home](#)[Press Releases](#)[Attorney General James Calls On Social Media Platforms To Provide Answers After Terrorist Attacks In Israel Spark Violent Threats Online](#)

Attorney General James Calls on Social Media Platforms to Provide Answers after Terrorist Attacks in Israel Spark Violent Threats Online

October 13, 2023

NEW YORK – New York Attorney General Letitia James [sent a series of letters to social media companies](#) requesting they provide detailed explanations of the steps they are taking to stop the spread of hateful content encouraging violence against Jewish and Muslim people and institutions in the wake of terrorist attacks in Israel. The letters, sent to Google, Meta, X (formerly Twitter), TikTok, Reddit, and Rumble, provide a list of questions for each platform to respond to regarding how they are specifically addressing calls for violence that have rapidly spread in the past week.

“In the wake of Hamas’ unspeakable atrocities, social media has been widely used by bad actors to spread horrific material, disseminate threats, and encourage violence,” said **Attorney General James**. “These platforms have a responsibility to keep their users safe and prohibit the spread of violent rhetoric that puts vulnerable groups in danger. I am calling on these companies to explain how they are addressing threats and how they will ensure that no online platform is used to further terrorist activities.”

After recent terrorist attacks in Israel, reports have identified antisemitic and Islamophobic threats spreading online, including an Anti-Defamation League report documenting a surge in antisemitic threats and conspiracies spreading on social media following the Hamas attacks. The letters from Attorney General James request that social media companies explain in detail how their content moderation policies and terms of service are being used to limit hate-based threats and reduce the likelihood that the platforms are used to plan acts of violence. The letters also ask the companies to explain:

- What actions, if any, they have taken to address the recent calls for violence against Jewish and Muslim people and institutions;
- What actions they have taken to address the possibility that their platforms may be used to plan, encourage, or disseminate acts of violence;
- The public-facing terms of service, community rules, or other policies in place that prohibit users from utilizing the platform to disseminate calls for violence;
- Details of internal policies that govern the determination of whether content is a call for violence that should be removed;
- Policies regarding disciplining, suspending, and/or banning users for posting content that has been removed for spreading calls for violence.

Attorney General James has consistently taken action to hold social media companies accountable and limit dangerous material from spreading online. This week, [Attorney General James advanced legislation](#) to protect children from addictive social media features that could introduce them to harmful content. In July, [Attorney General James led a multistate coalition](#) defending the federal government's ability to communicate with social media companies about the spread of dangerous content on their platforms. In October of 2022, [Attorney General James released a report](#) on the role that social media platforms played in the Buffalo mass shooting and online extremism. In 2021, Attorney General James [joined a multistate coalition investigating Meta](#) for providing and promoting the social media platform Instagram to children and young adults despite knowing that such use is associated with physical and mental health harms.

Letitia James

New York State Attorney General



Contact

Office of the New York State Attorney General

The Capitol

Albany NY 12224-0341

Phone: 1-800-771-7755

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Exhibit D



FIRE

Foundation for Individual
Rights and Expression

October 18, 2023

Sent Via Email to judith.vale@ag.ny.gov and jordan.adler@ag.ny.gov

Letitia James, Attorney General for the State of New York
Judith Vale, Deputy Solicitor General for the State of New York
Jordan Adler, Senior Enforcement Counsel
Office the New York State Attorney General
28 Liberty Street
New York, New York 10005

Re: *Volokh v. James*, No. 22 Civ. 10195 (S.D.N.Y): Demand to rescind October 12, 2023 investigation letters seeking social-media platform policies and actions related to removing third-party-posted “materials that may incite violence”

Dear Attorney General James, Ms. Vale, and Mr. Adler:

I am an attorney at the Foundation for Individual Rights and Expression and counsel for Rumble Canada Inc. (Rumble) in the above-referenced litigation. I am writing to demand the immediate and unequivocal retraction of your October 12, 2023 investigation letters to six internet platforms, including Rumble (collectively referred to as the Investigated Platforms). These letters violate (1) a federal district court’s injunction against the enforcement of New York General Business Law § 394-ccc (the Online Hate Speech Law); (2) the active stay of all proceedings in that case as to Rumble; and (3) the First Amendment rights of the Investigated Platforms and their users.

Your letter set a deadline of October 20, 2023, for Rumble’s response. If you do not rescind your letter by then, we will be required to file a motion with the district court to enforce the terms of the preliminary injunction and stay of the proceedings.

As the Attorney General’s Office knows, Rumble, in addition to Locals Technology Inc. (Locals) and Eugene Volokh, is a plaintiff in a lawsuit against Attorney General James challenging New York’s Online Hate Speech Law. The law targets “hateful” speech across the internet—defining “hateful” content as that which may “vilify, humiliate, or incite violence against” ten protected classes—requiring websites to develop and publish hate-speech policies and reporting mechanisms, and to respond to reports of hate speech. But Judge

New York Attorney General Letitia James

October 18, 2023

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Andrew Carter of the U.S. District Court for the Southern District of New York enjoined enforcement of the law, including the law's investigation and enforcement provisions. *Volokh v. James*, No. 22 Civ. 10195, 2023 WL 1991435 (S.D.N.Y. Feb. 14, 2023).

The October 12th letters “request” information about the Investigated Platforms’ editorial policies, processes, and decisions for content that “may incite violence.” At a minimum and on their face, the letters plainly seek to allow the Office to “take proof and make determinations of fact” under the Online Hate Speech Law. And according to your October 13th press release, the letters go further by demanding that the Investigated Platforms disclose their actions to “stop the spread of hateful content” and “violent rhetoric,” in a transparent effort to get them to “remove” protected speech.¹ Because these demands, compounded by their vague references to hateful or violent speech, are within the scope of the Online Hate Speech Law’s investigation provision,² they violate the district court’s injunction. *Volokh*, 2023 WL 1991435 at *1.

Rumble abhors violence, antisemitism, and hatred, and is horrified by the October 7th Hamas attacks on Israeli civilians. However, federal court orders and the First Amendment prohibit any investigation under the Online Hate Speech Law or any attempt to burden the protected speech of the Investigated Platforms and their users. Rumble, therefore, demands that the Attorney General rescind the October 12, 2023 investigation letters immediately. And in any event, in response to a similar June 2022 letter from the Attorney General’s Office, Rumble already provided its content-moderation policies, which expressly prohibit the posting of content that promotes violence, illegal activities, and harm or injury to any group, including antisemitism. The policies, which are available online³, speak for themselves, and Rumble respectfully declines to respond further at this time.

¹ As discussed further below, the Attorney General’s letter targets any “calls for violence,” regardless of whether they rise to the level of constitutionally unprotected incitement or not. Letitia James, *Attorney General James Calls on Social Media Platforms to Provide Answers after Terrorist Attacks in Israel Spark Violent Threats Online* New York State Attorney General (Oct. 13, 2023), <https://ag.ny.gov/press-release/2023/attorney-general-james-calls-social-media-platforms-provide-answers-after>. [<https://perma.cc/S2LU-KSJH>]

² See N.Y. Gen. Bus. Law § 394-ccc(5).

³ See Rumble Website Terms and Conditions of Use and Agency Agreement <https://rumble.com/s/terms> [<https://perma.cc/EW44-B7LG>]

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October 18, 2023
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After Rumble Sues and Secures an Injunction, the Attorney General Nevertheless Seeks Information About Rumble’s Editorial Decision-Making.

A. Rumble sues and secures a preliminary injunction of New York’s Online Hate Speech Law.

Last year, New York adopted the Online Hate Speech Law, which requires a vast array of websites to develop and publish a “reporting mechanism” and “policy” on their websites regarding the reporting of and responses to user-created “hateful” content—defined as speech that may “vilify, humiliate, or incite violence against a group” based on ten protected class statuses. N.Y. Gen. Bus. Law § 394-ccc(1)(a). The law also requires websites to provide direct responses to any person reporting “hateful” content. *See id.* § 394-ccc(2-3). Notably, the law empowers the New York Attorney General to “take proof and make a determination of the relevant facts” as necessary to investigate violations. The Attorney General is authorized to assess daily civil fines for violations. *Id.* § 394-ccc(5). Attorney General James hailed the law’s passage, noting that “social media platforms provide an unchecked vehicle for [] dangerous and corrosive *ideas* to spread.” *See Verified Complaint* ¶ 45 (2d Cir. Joint Appendix 19) (emphasis added).

On December 1, 2022, Rumble, Locals, and Professor Eugene Volokh challenged the Online Hate Speech Law as an unconstitutional content- and viewpoint-based regulation that compelled platforms to endorse the State’s definition of hate speech and unlawfully burdened platforms that refused to remove speech the state disfavored. Plaintiffs also argued the law was impermissibly overbroad and vague. The federal lawsuit named Attorney General James in her official capacity as the chief law enforcement agent of the State of New York, and the plaintiffs moved for a preliminary injunction to block enforcement of the law.

On February 14, 2023, after full briefing and oral argument, Judge Carter enjoined enforcement of the Online Hate Speech Law. Judge Carter found that the law:

both compels social media networks to speak about the contours of hate speech and chills the constitutionally protected speech of social media users, without articulating a compelling governmental interest or ensuring that the law is narrowly tailored to that goal.

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Volokh, 2023 WL 1991435 at *1. The court recognized that websites and social media networks, including Rumble (as well as Locals and Professor Volokh’s legal blog), “are publishers and curators of speech, and their users are engaged in speech by writing, posting, and creating content.” *Id.* at *9. The Online Hate Speech Law, therefore, “fundamentally implicates the speech of the networks’ users,” too. *Id.* Because “the First Amendment protects individuals’ right to engage in hate speech, and the state cannot try to inhibit that right, no matter how unseemly or offensive that speech may be to the general public or the state,” *id.*, and the law was not narrowly tailored to regulate only categories of unprotected speech, *id.* at *8 n. 3, Judge Carter held that the Online Hate Speech Law is likely to have “a profound chilling effect” on protected expressive activity. In fact, he deemed the law’s burden on Rumble, Locals, and Volokh and their users to be “particularly onerous” because their “websites have dedicated ‘pro-free speech purposes.’” *Id.* at *16–17. On this basis, the district court enjoined any enforcement of § 394-ccc.

One month later, the State appealed the district court’s decision to the U.S. Court of Appeals for the Second Circuit. The following day, the State sought to stay all discovery and other litigation deadlines pending appeal—but did *not* seek to stay the injunction. The district court granted the motion to stay—over Rumble, Locals, and Volokh’s written objection—until 30 days after the conclusion of all appeals of the preliminary injunction. *Volokh*, No. 22 Civ. 10195 Order, ECF No. 37. Briefing is now complete in the Second Circuit and the case is awaiting oral argument to be scheduled. The injunction against § 394-ccc’s enforcement remains in effect.

B. Attorney General James demands that Investigated Platforms respond to intrusive questions and provide internal documents related to editorial decision-making.

On October 7, Hamas militants broke through the wall separating Israel and Gaza and engaged in deadly attacks on hundreds of civilians. As announced by press release on October 13, 2023, Attorney General James responded to the attacks by demanding that the Investigated Platforms explain “the steps they are taking to stop the spread of hateful content encouraging violence against Jewish and Muslim people.” See Press Release, *supra* note 1. Attorney General James also accused “social media” of being “widely used by bad actors to spread horrific material, disseminate threats, and encourage violence,” and called on the Investigated Platforms “to keep their users safe and prohibit the spread of violent rhetoric that puts vulnerable groups in danger.” The Attorney General’s press release also notes that the investigation letters are part and parcel of her

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repeated “action[s] to hold social media companies accountable and limit dangerous material from spreading online.”

Specifically, the investigation letters, titled “Removing Calls for Violence on the [Investigated Platforms],” contain a number of intrusive interrogatories regarding the platforms’ policies, processes, and actions related to third-party content that “may incite violence” against particular ethnic and religious minorities—Jewish and Muslim people. The interrogatories demand, for example, that each platform detail “how the company is identifying, removing, and blocking the re-uploading of,” how they respond to user reports of, and how they are “disciplining, suspending, and or banning users for posting” this hateful content. In addition, the investigation letters include ten references to “removing” content in the two-page letter, and repeatedly seek policies related to “identifying” and “blocking” posted content based on the hateful ideas they communicate—exactly the types of investigatory demands the district court’s injunction, its ordered stay, and the First Amendment prohibit.

II. The State’s Investigation Letters Violate the Injunction and Stay of Discovery in *Volokh v. James*.

The investigation letters represent an end-run around the proceedings in *Volokh v. James* by the Attorney General’s Office. The attempt “to take proof and make a determination of the relevant facts” regarding the Investigated Platforms’ measures related to “hateful” content as contemplated by the Online Hate Speech Law violates the preliminary injunction and constitutes improper discovery in violation of the stay order.

A. The State’s investigation letters seek information within the scope of the enjoined Online Hate Speech Law.

The State seeks information that is essentially identical to the information that is the subject matter of the Online Hate Speech Law, and through the same method of investigation contemplated by the law. Subsection (5) of the statute authorizes the Attorney General “to take proof and make determinations of relevant facts” related to what the law defines as “hateful” content—namely, website policies regarding the reporting of and response to online content that may “vilify, humiliate, or incite violence against” particular protected groups. The investigation letters explicitly demand the Investigated Platforms provide their policies, editorial decision-making practices, and actions related to content that “may incite violence” against Jewish and Muslim people. This is the exact information that the Online Hate Speech Law authorizes the State “to take

New York Attorney General Letitia James

October 18, 2023

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proof and make determinations of relevant facts.” And this provision, like the entirety of the Online Hate Speech Law, is enjoined from enforcement. *Volokh*, 2023 WL 1991435, at * 10. Indeed, the investigation letters do not explicitly invoke any legal authority under which the State is demanding information and internal documents from the Investigated Platforms—perhaps because the implicit statutory authority has been enjoined.

The Attorney General’s rhetoric in her October 13th press release also demonstrates that the State is attempting to exercise its investigation authority provided by the now-enjoined Online Hate Speech Law. The press release explicitly mentions Investigated Platforms’ responsibility for “hateful content.” Consistent with the Attorney General’s 2022 comments, the release notes her mission “to hold social media companies accountable and limit dangerous material from spreading online.” And like the legislators who argued in support of the Online Hate Speech Law, the Attorney General argues that Investigated Platforms must “keep their users safe” by “prohibit[ing] the spread of violent rhetoric that puts vulnerable groups in danger”—the exact subject matter of the Online Hate Speech Law.

The investigation letters represent an exercise of the State’s authority to “take proof,” and therefore violate the Southern District of New York’s preliminary injunction. The letters must be rescinded immediately.

B. The State cannot circumvent a court-ordered stay of discovery through public shaming of its party opponent.

Insofar as the State seeks from Rumble non-public information that would be available only through discovery in *Volokh v. James*—or through enforcement of the Online Hate Speech Law, which, as noted above, is currently enjoined—the investigation letters violate the district court’s stay insisted upon by the State. The State sought a stay “to further district court proceedings in the interest of judicial economy.” ECF No. 36 at 1. The State predicted that, in the absence of a stay, “at a minimum,” it would seek discovery about “whether the suing Plaintiffs are properly within the Statute[.]” *Id.* at 3. Thus, the State argued for the district court to stay the case pending appeal “to avoid unnecessary jurisdictional discovery.” *Id.* at 4. The district court agreed and ordered the clerk of court to “mark this case as stayed.” ECF No. 37.

While it should not need to be said, litigants cannot propound discovery while recognizing no obligation to *respond* to discovery while a case is stayed. But the Office of the New York Attorney General has done just that with its letters,

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and even taken a further step—sending public demands meant to shame a party-opponent into providing discoverable information despite a court-ordered stay.⁴ Rumble will not succumb to any public-pressure campaign or honor the State’s interrogatories meant to circumvent the court-ordered stay of all proceedings in *Volokh v. James*.

III. The State’s Investigation Letters Unconstitutionally Burden the First Amendment Rights of the Investigated Platforms and Their Users.

Further, the October 12th investigation letters unconstitutionally burden the Investigated Platforms’ publication of First Amendment-protected content and the protected speech of third-party content creators. The First Amendment protects the rights of internet platforms as publishers of third-party content. Like newspapers and bookstores, websites have a First Amendment right to maintain the autonomy of their editorial judgment and discretion “in the selection and presentation of” content provided to the public. *NetChoice, LLC v. Att’y Gen. Fla.*, 34 F.4th 1196, 1210 (11th Cir. 2022), *cert. granted in part sub nom. Moody v. Netchoice, LLC*, No. 22-277, 2023 WL 6319654 (U.S. Sept. 29, 2023), and *cert. denied sub nom. Netchoice v. Moody*, No. 22-393, 2023 WL 6377782 (U.S. Oct. 2, 2023); *see Miami Herald Publ’g. Co. v. Tornillo*, 418 U.S. 241, 258 (1974) (compelled speech law struck down “because of its intrusion into the function of editors”).

Similarly, the First Amendment protects content creators and users from governmental burdens that are likely to chill their speech—exactly what the State’s investigation letters seek to accomplish with their broad, vague, and inherently subjective language, coupled with references to removing content and “disciplining, suspending, and/or banning users.” As the court said in *Volokh*, “the state’s targeting and singling out of [particular] speech for special measures certainly could make social media users wary about the types of speech they feel free to engage in without facing consequences from the state.” *Volokh*, 2023 WL 1991435, at *10; *see also Bantam Books, Inc. v. Sullivan*, 372 U.S. 58, 68 (1963) (“People do not lightly disregard public officers’ thinly veiled threats to institute . . . proceedings against them if they do not come around.”).

⁴ In addition, the October 12th letter was sent to Rumble, a party represented by FIRE in an ongoing litigation against the New York Attorney General that is directly related to the subject matter of the Attorney General’s letter. As the Attorney General knows, rules of professional conduct prohibit lawyers from communicating with an opposing party that the lawyer knows to be represented about the subject of the representation. *See* N.Y. R. Prof. Cond. 4.2.

New York Attorney General Letitia James

October 18, 2023

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The State’s investigation letters—though styled as information requests—nevertheless signal that the Investigated Platforms should remove “hateful content” and ban “violent rhetoric.” The letters, after all, are titled “*Removing Calls for Violence on the [company] Platform.*”⁵ (emphasis added). The word “remove,” or variations of it, appears 10 more times in the two-page letter, with repeated references to “identifying” and “blocking” disfavored content. Combined with the Attorney General’s October 13th press release and her past rhetoric, the Investigated Platforms can draw only one conclusion: The chief law-enforcement agent in New York, with vast resources at her disposal, wants what she determines to be “hateful content” and “violent rhetoric” related to Jewish and Muslim people removed from online platforms—and there may be legal consequences if platforms do not do so to the State’s satisfaction. This conclusion requires the Investigated Platforms, among others, to “steer far wider” in their content removal than they otherwise would to avoid the legal threat. *Grayned v. City of Rockford*, 408 U.S. 104, 109 (1972).

The investigation letters are centered around the dissemination of “calls for violence” and “other materials that may incite violence,” exacerbating their First Amendment burdens by their use of these phrases and similarly overbroad, vague, and inherently subjective language. The State fails to define these phrases or terms, and thus fails to inform the Investigated Platforms of the type of conduct or speech that could be encapsulated by them. We are therefore forced to wonder, would a video created by a pro-Israeli activist calling for bombing Gaza qualify as a “call for violence”? Is a news report including a quotation from a pro-Palestinian protestor defending Hamas attacks on Israeli military equal to “disseminating calls for violence and other materials that may incite violence”? Do the statements of American elected officials, such as Representative Cori Bush’s October 9th call to “end[] U.S. support for Israeli military occupation and apartheid”⁶ or Senator Lindsey Graham’s October 10th statement that “[w]e’re in a religious war . . . do whatever the hell you have to do to defend yourself. Level the Place!”⁷ qualify as speech that “may incite violence” or “encourage” violence?

⁵ The Attorney General’s website features a copy of the letter with the name of the company redacted. See <https://ag.ny.gov/sites/default/files/letters/ag-james-letter-socialplatforms.pdf>.

⁶ Mark Maxwell, *U.S. Rep. Cori Bush Calls to End Military Aid to Israel*, KSDK News (Oct. 9, 2023), <https://www.ksdk.com/article/news/politics/national-politics/us-rep-cori-bush-calls-end-military-aid-to-israel/63-c48f7cf4-0102-4c15-88d0-f123bfd33782>. [<https://perma.cc/T3C9-ZHKT>]

⁷ Ja’han Jones, *Republicans Deploy Dangerous Rhetoric Around Israel-Hamas War*, MSNBC (Oct. 12, 2023), <https://msnbc.com/the-reidout/reidout-blog/israel-hamas-war-lindsay-graham-marco-rubio-rcna120172>. [<https://perma.cc/B4LH-L9SZ>]

New York Attorney General Letitia James
October 18, 2023
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Just as § 394-ccc was preliminarily enjoined as likely to violate the First Amendment—because it inhibits protected expression with viewpoint-discriminatory, overbroad, and vague speech regulations—so too does the State’s investigation impinge the free publication and creation of protected speech on Investigated Platforms’ websites. For example, the Supreme Court has repeatedly held the First Amendment protects the editorial discretion of newspapers. *See Hurley v. Irish-Am. Gay, Lesbian & Bisexual Grp. of Bos.*, 515 U.S. 557, 570 (1995) (“[T]he presentation of an edited compilation of speech generated by other persons is a staple of most newspapers’ opinion pages, which, of course, fall squarely within the core of First Amendment security[.]”); *see also Bursey v. United States*, 466 F. 2d 1059 (9th Cir. 1972) (holding that the First Amendment shielded the Black Panther Party’s newspaper from grand jury questions about its editorial policies because “these decisions reflect editorial judgment. So also do the decisions about what should be published initially, how much space should be allocated to the subject, or the placement of a story on the front page or in the obituary section”).

IV. Conclusion

While Rumble remains deeply saddened by the October 7th attack on Israeli civilians and the ongoing Israeli-Hamas war, it is also acutely aware of Attorney General James’s longstanding intention to hold social media platforms and other websites “accountable” for so-called “hateful content”—an undefined and inherently subjective category of protected speech. Because the Attorney General’s rhetoric, combined with her enforcement powers, chills protected speech, a federal district court has enjoined the law. But the investigation letters attempt to circumvent the district court’s injunction—demanding information from the Investigated Platforms about their policies, processes, and actions related to “hateful” and “violent” content. The fact that the investigation letters do not cite the Online Hate Speech Law (or any legal authority, for that matter) is no defense. They are blatant attempts to both evade the injunction and to act as an end-run around the districts court’s stay of the proceedings pending appeal, attempting to force discovery outside the litigation.

To protect the First Amendment rights of Rumble, other online platforms, and content creators and users around the world, the State must rescind the investigation letters. Rumble respectfully declines to respond further at this time. If you do not rescind your letters, then we will be required to file a motion with the district court to enforce the terms of the preliminary injunction and

New York Attorney General Letitia James

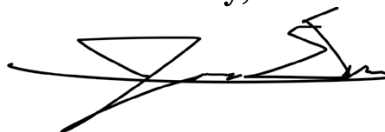
October 18, 2023

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stay of proceedings. Please let us know by **October 20, 2023**, if you agree to rescind the letters.

Please do not hesitate to contact Jay Diaz at jay.diaz@thefire.org or (215) 717-3473 ext. 218 if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to be "Jay Diaz", with a stylized flourish extending from the end.

Jay Diaz, Senior Attorney

Daniel Ortner, Attorney

FOUNDATION FOR INDIVIDUAL RIGHTS
AND EXPRESSION

510 Walnut Street, Suite 1250

Philadelphia, Pennsylvania 19106

cc: Sarah Coco, Barry Covert

Exhibit E



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

LETITIA JAMES
ATTORNEY GENERAL

DIVISION OF ECONOMIC JUSTICE
BUREAU OF INTERNET & TECHNOLOGY

BY EMAIL

October 19, 2023

Jay Diaz, Esq.
Daniel Ortner, Esq.
Foundation for Individual Rights and Expression
510 Walnut Street, Suite 1250
Philadelphia, PA 19106

Re: The New York State Attorney General's October 12, 2023 Letter to Rumble Inc.

Dear Messrs. Diaz and Ortner,

I write in response to your October 18, 2023 letter. While we wholeheartedly disagree with your analysis and the contentions in your letter, in view of your statement that Rumble has “already provided its content-moderation policies” to the Attorney General’s Office, and in the interest of avoiding any unnecessary dispute, this Office hereby withdraws the voluntary requests set forth in its October 12, 2023 letter to Rumble.

Sincerely,

Jordan Adler
Senior Enforcement Counsel
Bureau of Internet and Technology

Exhibit F

1 NEW YORK STATE SENATE

2
3
4 THE STENOGRAPHIC RECORD

5
6
7
8
9 ALBANY, NEW YORK

10 June 2, 2022

11 1:18 p.m.

12
13
14 REGULAR SESSION

15
16
17
18 SENATOR JAMAAL T. BAILEY, Acting President

19 ALEJANDRA N. PAULINO, ESQ., Secretary

1 P R O C E E D I N G S

2 ACTING PRESIDENT BAILEY: The
3 Senate will come to order.

4 I ask everyone present to please
5 rise and recite the Pledge of Allegiance.

6 (Whereupon, the assemblage recited
7 the Pledge of Allegiance to the Flag.)

8 ACTING PRESIDENT BAILEY: In the
9 absence of clergy, let us bow our heads in a
10 moment of silent reflection or prayer.

11 (Whereupon, the assemblage respected
12 a moment of silence.)

13 ACTING PRESIDENT BAILEY: Reading
14 of the Journal.

15 THE SECRETARY: In Senate,
16 Wednesday, June 1, 2022, the Senate met pursuant
17 to adjournment. The Journal of Tuesday, May 31,
18 2022, was read and approved. On motion, the
19 Senate adjourned.

20 ACTING PRESIDENT BAILEY: Without
21 objection, the Journal stands approved as read.

22 Presentation of petitions.

23 Messages from the Assembly.

24 The Secretary will read.

25 THE SECRETARY: Senator Gaughran

1 moves to discharge, from the Committee on
2 Investigations and Government Operations,
3 Assembly Bill Number 10144B and substitute it for
4 the identical Senate Bill 978C, Third Reading
5 Calendar 89.

6 Senator Brooks moves to discharge,
7 from the Committee on Transportation,
8 Assembly Bill Number 9702B and substitute it for
9 the identical Senate Bill 1271B, Third Reading
10 Calendar 235.

11 Senator Biaggi moves to discharge,
12 from the Committee on Alcoholism and Substance
13 Abuse, Assembly Bill Number 658A and substitute
14 it for the identical Senate Bill 409A, Third
15 Reading Calendar 306.

16 Senator Rivera moves to discharge,
17 from the Committee on Finance, Assembly Bill
18 Number 7230B and substitute it for the identical
19 Senate Bill 6534C, Third Reading Calendar 596.

20 Senator Hoylman moves to discharge,
21 from the Committee on Health, Assembly Bill
22 Number 159 and substitute it for the identical
23 Senate Bill 995, Third Reading Calendar 887.

24 Senator Skoufis moves to discharge,
25 from the Committee on Agriculture, Assembly Bill

1 Number 1451A and substitute it for the identical
2 Senate Bill 8426, Third Reading Calendar 982.

3 Senator Rivera moves to discharge,
4 from the Committee on Health, Assembly Bill
5 Number 9290 and substitute it for the identical
6 Senate Bill 8813, Third Reading Calendar 989.

7 Senator Kavanagh moves to discharge,
8 from the Committee on Housing, Construction and
9 Community Development, Assembly Bill Number 9675A
10 and substitute it for the identical Senate Bill
11 8793A, Third Reading Calendar 1033.

12 Senator Comrie moves to discharge,
13 from the Committee on Transportation,
14 Assembly Bill Number 3801A and substitute it for
15 the identical Senate Bill 3587C, Third Reading
16 Calendar 1053.

17 Senator Parker moves to discharge,
18 from the Committee on Veterans, Homeland Security
19 and Military Affairs, Assembly Bill Number 25 and
20 substitute it for the identical Senate Bill 3275,
21 Third Reading Calendar 1131.

22 Senator Kaplan moves to discharge,
23 from the Committee on Internet and Technology,
24 Assembly Bill Number 7865A and substitute it for
25 the identical Senate Bill 4511B, Third Reading

1 Calendar 1318.

2 Senator Hinchey moves to discharge,
3 from the Committee on Commerce, Economic
4 Development and Small Business, Assembly Bill
5 Number 9649A and substitute it for the identical
6 Senate Bill 8741A, Third Reading Calendar 1326.

7 Senator Akshar moves to discharge,
8 from the Committee on Rules, Assembly Bill
9 Number 9751 and substitute it for the identical
10 Senate Bill 8609, Third Reading Calendar 1375.

11 Senator Breslin moves to discharge,
12 from the Committee on Rules, Assembly Bill Number
13 9269A and substitute it for the identical Senate
14 Bill 8246A, Third Reading Calendar 1558.

15 Senator Skoufis moves to discharge,
16 from the Committee on Investigations and
17 Government Operations, Assembly Bill Number 9625
18 and substitute it for the identical Senate Bill
19 8390, Third Reading Calendar 1560.

20 Senator Sanders moves to discharge,
21 from the Committee on Rules, Assembly Bill Number
22 4947B and substitute it for the identical
23 Senate Bill 621B, Third Reading Calendar 1628.

24 Senator Ortt moves to discharge,
25 from the Committee on Civil Service and Pensions,

1 Assembly Bill Number 9375 and substitute it for
2 the identical Senate Bill 3723, Third Reading
3 Calendar 1640.

4 Senator Martucci moves to discharge,
5 from the Committee on Rules, Assembly Bill Number
6 9690 and substitute it for the identical Senate
7 Bill 8676, Third Reading Calendar 1671.

8 Senator Ramos moves to discharge,
9 from the Committee on Transportation,
10 Assembly Bill Number 9964 and substitute it for
11 the identical Senate Bill 8831, Third Reading
12 Calendar 1681.

13 Senator Cooney moves to discharge,
14 from the Committee on Cultural Affairs, Tourism,
15 Parks and Recreation, Assembly Bill Number 9710
16 and substitute it for the identical Senate
17 Bill 8934, Third Reading Calendar 1690.

18 Senator Kaplan moves to discharge,
19 from the Committee on Rules, Assembly Bill Number
20 10085 and substitute it for the identical Senate
21 Bill 8953, Third Reading Calendar 1691.

22 Senator Salazar moves to discharge,
23 from the Committee on Rules, Assembly Bill Number
24 9749B and substitute it for the identical Senate
25 Bill 8972A, Third Reading Calendar 1695.

1 Senator Breslin moves to discharge,
2 from the Committee on Rules, Assembly Bill Number
3 10113 and substitute it for the identical Senate
4 Bill 9036, Third Reading Calendar 1697.

5 Senator Hinchey moves to discharge,
6 from the Committee on Rules, Assembly Bill Number
7 10271 and substitute it for the identical Senate
8 Bill 9193, Third Reading Calendar 1714.

9 Senator Kaminsky moves to discharge,
10 from the Committee on Rules, Assembly Bill
11 Number 10419 and substitute it for the identical
12 Senate Bill 9196, Third Reading Calendar 1715.

13 Senator Rivera moves to discharge,
14 from the Committee on Health, Assembly Bill
15 Number 9442A and substitute it for the identical
16 Senate Bill 9207, Third Reading Calendar 1716.

17 Senator May moves to discharge, from
18 the Committee on Rules, Assembly Bill
19 Number 10237 and substitute it for the identical
20 Senate Bill 9272, Third Reading Calendar 1717.

21 Senator Palumbo moves to discharge,
22 from the Committee on Rules, Assembly Bill Number
23 9895 and substitute it for the identical Senate
24 Bill 9345, Third Reading Calendar 1722.

25 ACTING PRESIDENT BAILEY: So

1 ordered.

2 Messages from the Governor.

3 Reports of standing committees.

4 Reports of select committees.

5 Communications and reports from
6 state officers.

7 Motions and resolutions.

8 Senator Gianaris.

9 SENATOR GIANARIS: Mr. President,
10 once again we're going to try and multitask as
11 much as we can during the day. And so I'd ask
12 you to simultaneously call an immediate meeting
13 of the Rules Committee in Room 332 and take up
14 previously adopted Resolution 2497, by
15 Senator Hinchey, read its title, and recognize
16 Senator Hinchey.

17 ACTING PRESIDENT BAILEY: There
18 will be an immediate meeting of the
19 Rules Committee in Room 332.

20 The Secretary will read.

21 THE SECRETARY: Senate Resolution
22 2497, by Senator Hinchey, memorializing Governor
23 Kathy Hochul to proclaim September 25 through
24 October 2, 2022, as Frontotemporal Degeneration
25 Awareness Week in the State of New York.

1 ACTING PRESIDENT BAILEY: Senator
2 Hinchey on the resolution.

3 SENATOR HINCHEY: Thank you,
4 Mr. President.

5 Frontotemporal degeneration, or FTD,
6 is the most common form of dementia for people
7 under the age of 60, and yet it's one of the
8 least understood. Symptoms typically start
9 between the ages of 40 and 65, beginning
10 gradually and progressing rapidly.

11 FTD represents an estimated 5 to
12 15 percent of all dementia cases, and yet it's
13 often misdiagnosed as a psychiatric issue due to
14 the wide range of cognitive and behavioral
15 symptoms and their young onset.

16 When my father was diagnosed with
17 primary progressive aphasia, or PPA, one of the
18 many variants of FTD, the disease took a
19 devastating toll. Anyone who has had to watch a
20 family member suffer through this degenerative
21 brain disease understands the heartbreak, the
22 frustration of a misdiagnosis, the challenge of
23 finding affordable long-term care, especially in
24 our upstate and our rural communities, and the
25 need for quality information and resources to

1 help prepare for every stage of the disease.

2 We need to strive for a future free
3 of FTD, but to get there we need increased
4 awareness among our population, our communities,
5 but especially amongst our medical community, as
6 this is something that often flies under the
7 radar.

8 I'm incredibly proud to sponsor the
9 resolution designating September 25th to October
10 2nd as Frontotemporal Degeneration Awareness Week
11 here in the State of New York. The more people
12 who know about this disease, who are aware of
13 this disease, who are looking for the symptoms
14 and the signals, they will be better prepared to
15 support both their family members who are
16 suffering as well as their family members who are
17 suffering alongside those with the disease for
18 the long term.

19 We are all striving for a future
20 without FTD, and this awareness week will help us
21 get there.

22 Thank you, Mr. President.

23 ACTING PRESIDENT BAILEY: Thank
24 you.

25 Senator Cooney on the resolution.

1 SENATOR COONEY: Thank you,
2 Mr. President.

3 I want to thank Senator Hinchey for
4 bringing this resolution to the floor and her
5 advocacy in supporting frontotemporal
6 degeneration awareness. Not only do
7 Senator Hinchey and I share a passion for our
8 upstate communities, we also share the
9 unfortunate circumstance that our parents both
10 suffered from FTD.

11 The onset of FTD, as Senator Hinchey
12 mentioned, occurs early on, and my own mother
13 started right after she retired. Unfortunately,
14 I lost my mother to a variety of health symptoms,
15 including FTD, about 10 years ago.

16 But Senator Hinchey is right: We
17 have an opportunity and a responsibility to make
18 sure we're advocates for those who are struggling
19 with dementia, and make sure that there are
20 resources to continue the research in this fight
21 to make sure that no family has to go through
22 what our families and other families across
23 New York State have had to go through with the
24 loss of someone's cognitive ability.

25 I fully support this resolution and

1 again thank Senator Hinchey for her leadership.

2 ACTING PRESIDENT BAILEY: Thank
3 you.

4 The resolution was previously
5 adopted on May 10th.

6 Senator Liu.

7 SENATOR LIU: Mr. President, please
8 take up previously adopted Resolution 2811, by
9 Senator Kaminsky, and read that resolution title
10 only and recognize Senator Kaminsky on the
11 resolution.

12 ACTING PRESIDENT BAILEY: The
13 Secretary will read.

14 THE SECRETARY: Senate Resolution
15 2811, by Senator Kaminsky, congratulating Dunia
16 Sibomana upon the occasion of capturing the
17 102-pound Division I wrestling title at the
18 New York State Public High School Athletic
19 Association Wrestling Championships on
20 February 26, 2022.

21 ACTING PRESIDENT BAILEY: Senator
22 Kaminsky on the resolution.

23 SENATOR KAMINSKY: Thank you,
24 Mr. President.

25 I didn't want to leave session this

1 year without honoring a very special young man
2 from my home community of Long Beach, Dunia
3 Sibomana.

4 Dunia's story of resilience and
5 perseverance should be inspiring to all of us in
6 light of what he's gone through and what he's
7 achieved.

8 At the age of six, in Central
9 Africa, Dunia and his brother and cousin were
10 attacked by wild chimpanzees. Dunia's brother
11 and cousin were killed, and he was severely
12 disfigured in the incident.

13 Thanks to Smile Rescue Fund, he was
14 brought to the United States and at Stony Brook
15 University Hospital underwent numerous surgeries.
16 And after those surgeries, he was adopted in Long
17 Beach by Miguel and Marissa Rodriguez, and Miguel
18 is the local wrestling coach.

19 Dunia has been a phenom. And this
20 year, at age 14, he won the state wrestling
21 title. Dunia has never given up, he doesn't let
22 anything get in his way, and he is a star in our
23 community and we know he's going to go on to do
24 great things.

25 And many of us in our lives get

1 bogged down by the trials and tribulations that
2 we have to go through. And we think that
3 obstacles are in our way, and then you look at
4 Dunia's situation and realize that it doesn't
5 hold a candle to what some people have to go
6 through. And that if you set your mind to it and
7 you have some good people around you, you could
8 achieve anything.

9 Now, Dunia is not here today. He's
10 in school. It's the end of 8th grade, and today
11 is a school day. But we're going to send him
12 this video. And so, Mr. President, it would mean
13 the world to our community of Long Beach, to
14 Miguel and Marissa and of course to Dunia, to see
15 that the State of New York recognizes his major
16 feats, that he's not going to be defined by his
17 accident, and that he's going to be a champion
18 today and every day the rest of his life.

19 Thank you.

20 ACTING PRESIDENT BAILEY: Thank
21 you, Senator Kaminsky.

22 In his absence, we recognize him for
23 his accomplishments and we recognize him for his
24 greatness.

25 We congratulate him. please rise

1 and recognize him.

2 (Standing ovation.)

3 ACTING PRESIDENT BAILEY: Senator
4 Liu.

5 SENATOR LIU: Mr. President, at the
6 request of the sponsors, the resolutions are open
7 for cosponsorship.

8 ACTING PRESIDENT BAILEY: The
9 resolutions are open for cosponsorship. Should
10 you choose not to be a cosponsor of the
11 resolutions, please notify the desk.

12 Senator Liu.

13 SENATOR LIU: Mr. President,
14 there's a privileged resolution at the desk.
15 Please take that up, read its title, and
16 recognize Senator Krueger on the resolution.

17 (Off the record.)

18 ACTING PRESIDENT BAILEY: Senator
19 Liu.

20 SENATOR LIU: Mr. President, we'll
21 take up the privileged resolution at the desk.

22 ACTING PRESIDENT BAILEY: The
23 Secretary will read.

24 THE SECRETARY: Senate Resolution
25 2481, by Senator Krueger, Concurrent Resolution

1 of the Senate and Assembly concerning the
2 rescission of all previous requests by the
3 New York State Legislature or either house
4 thereof for a convention under Article V of the
5 United States Constitution.

6 ACTING PRESIDENT BAILEY: The
7 question is on the resolution.

8 The Secretary will call the roll.

9 (The Secretary called the roll.)

10 ACTING PRESIDENT BAILEY: Announce
11 the results.

12 THE SECRETARY: In relation to
13 Senate Resolution 2481, those Senators voting in
14 the negative are Senators Akshar, Borrello,
15 Boyle, Gallivan, Griffio, Helming, Jordan, Lanza,
16 Martucci, Mattera, Oberacker, O'Mara, Ortt,
17 Palumbo, Rath, Ritchie, Serino, Stec, Tedisco and
18 Weik.

19 Ayes, 43. Nays, 20.

20 ACTING PRESIDENT BAILEY: The
21 resolution is adopted.

22 Senator Liu.

23 SENATOR LIU: Mr. President, please
24 take up the reading of the calendar.

25 ACTING PRESIDENT BAILEY: The

1 Secretary will read.

2 THE SECRETARY: Calendar Number 89,
3 Assembly Print Number 10144B, by
4 Assemblymember McDonald, an act to amend the
5 Public Officers Law.

6 ACTING PRESIDENT BAILEY: Read the
7 last section.

8 THE SECRETARY: Section 3. This
9 act shall take effect on the same date and in the
10 same manner as a chapter of the Laws of 2021.

11 ACTING PRESIDENT BAILEY: Call the
12 roll.

13 (The Secretary called the roll.)

14 ACTING PRESIDENT BAILEY: Announce
15 the results.

16 THE SECRETARY: In relation to
17 Calendar Number 89, voting in the negative:
18 Senator Akshar.

19 Ayes, 62. Nays, 1.

20 ACTING PRESIDENT BAILEY: The bill
21 is passed.

22 THE SECRETARY: Calendar Number
23 120, Senate Print 5451C, by Senator Parker, an
24 act directing the Department of Public Service to
25 prepare a written report on the affordability of

1 utility services.

2 ACTING PRESIDENT BAILEY: Read the
3 last section.

4 THE SECRETARY: Section 4. This
5 act shall take effect immediately.

6 ACTING PRESIDENT BAILEY: Call the
7 roll.

8 (The Secretary called the roll.)

9 ACTING PRESIDENT BAILEY: Announce
10 the results.

11 THE SECRETARY: In relation to
12 Calendar Number 120, those Senators voting in the
13 negative are Senators Borrello, Gallivan, Griffio,
14 Helming, Jordan, Lanza, Oberacker, Ortt, Rath and
15 Stec.

16 Ayes, 53. Nays, 10.

17 ACTING PRESIDENT BAILEY: The bill
18 is passed.

19 THE SECRETARY: Calendar Number
20 235, Assembly Print Number 9702B, by
21 Assemblymember Griffin, an act to amend the
22 Vehicle and Traffic Law.

23 ACTING PRESIDENT BAILEY: Read the
24 last section.

25 THE SECRETARY: Section 2. This

1 act shall take effect on the 90th day after it
2 shall have become a law.

3 ACTING PRESIDENT BAILEY: Call the
4 roll.

5 (The Secretary called the roll.)

6 ACTING PRESIDENT BAILEY: Announce
7 the results.

8 THE SECRETARY: Ayes, 63.

9 ACTING PRESIDENT BAILEY: The bill
10 is passed.

11 THE SECRETARY: Calendar Number
12 306, Assembly Print Number 658A, by
13 Assemblymember Rosenthal, an act to amend the
14 Mental Hygiene Law.

15 ACTING PRESIDENT BAILEY: Read the
16 last section.

17 THE SECRETARY: Section 2. This
18 act shall take effect on the 180th day after it
19 shall have become a law.

20 ACTING PRESIDENT BAILEY: Call the
21 roll.

22 (The Secretary called the roll.)

23 ACTING PRESIDENT BAILEY: Announce
24 the results.

25 THE SECRETARY: Ayes, 63.

1 ACTING PRESIDENT BAILEY: The bill
2 is passed.

3 THE SECRETARY: Calendar Number
4 340, Senate Print 6488, by Senator Kavanagh, an
5 act to amend the Private Housing Finance Law.

6 SENATOR LIU: Lay it aside.

7 ACTING PRESIDENT BAILEY: Lay it
8 aside. Lay it aside for the day.

9 SENATOR LIU: Lay it aside for the
10 day, please.

11 ACTING PRESIDENT BAILEY: Lay it
12 aside for the day.

13 THE SECRETARY: Calendar Number
14 347, Senate Print 4327C, by Senator Mayer, an act
15 to amend the Insurance Law.

16 ACTING PRESIDENT BAILEY: Read the
17 last section.

18 THE SECRETARY: Section 5. This
19 act shall take effect on the 180th day after it
20 shall have become a law.

21 ACTING PRESIDENT BAILEY: Call the
22 roll.

23 (The Secretary called the roll.)

24 ACTING PRESIDENT BAILEY: Announce
25 the results.

1 THE SECRETARY: In relation to
2 Calendar 347, those Senators voting in the
3 negative are Senators Akshar, Borrello, Boyle,
4 Gallivan, Griffo, Helming, Jordan, Martucci,
5 Ortt, Palumbo, Rath, Stec, Tedisco and Weik.

6 Ayes, 49. Nays, 14.

7 ACTING PRESIDENT BAILEY: The bill
8 is passed.

9 THE SECRETARY: Calendar Number
10 467, Senate Print 6069, by Senator Parker, an act
11 to amend the Executive Law.

12 ACTING PRESIDENT BAILEY: Read the
13 last section.

14 THE SECRETARY: Section 2. This
15 act shall take effect on the 90th day after it
16 shall have become a law.

17 ACTING PRESIDENT BAILEY: Call the
18 roll.

19 (The Secretary called the roll.)

20 ACTING PRESIDENT BAILEY: Announce
21 the results.

22 THE SECRETARY: Ayes, 63.

23 ACTING PRESIDENT BAILEY: The bill
24 is passed.

25 THE SECRETARY: Calendar Number

1 473, Senate Print 7855A, by Senator Kennedy, an
2 act to amend the Racing, Pari-Mutuel Wagering and
3 Breeding Law.

4 SENATOR WEIK: Lay it aside.

5 ACTING PRESIDENT BAILEY: Lay it
6 aside.

7 THE SECRETARY: Calendar Number
8 477, Senate Print 5010, by Senator
9 Reichlin-Melnick, an act to amend the
10 Real Property Tax Law.

11 ACTING PRESIDENT BAILEY: Read the
12 last section.

13 THE SECRETARY: Section 2. This
14 act shall take effect immediately.

15 ACTING PRESIDENT BAILEY: Call the
16 roll.

17 (The Secretary called the roll.)

18 ACTING PRESIDENT BAILEY: Announce
19 the results.

20 THE SECRETARY: Ayes, 63.

21 ACTING PRESIDENT BAILEY: The bill
22 is passed.

23 THE SECRETARY: Calendar Number
24 596, Assembly Print Number 7230B, by
25 Assemblymember Gottfried, an act to amend the

1 Public Health Law.

2 ACTING PRESIDENT BAILEY: Read the
3 last section.

4 THE SECRETARY: Section 2. This
5 act shall take effect immediately.

6 ACTING PRESIDENT BAILEY: Call the
7 roll.

8 (The Secretary called the roll.)

9 ACTING PRESIDENT BAILEY: Announce
10 the results.

11 THE SECRETARY: In relation to
12 Calendar Number 596, those Senators voting in the
13 negative are Senators Akshar, Borrello, Boyle,
14 Gallivan, Griffo, Helming, Jordan, Lanza,
15 Oberacker, O'Mara, Palumbo, Rath, Stec, Tedisco
16 and Weik.

17 Ayes, 48. Nays, 15.

18 ACTING PRESIDENT BAILEY: The bill
19 is passed.

20 THE SECRETARY: Calendar Number
21 609, Senate Print 164, by Senator Gianaris, an
22 act to amend the Public Officers Law.

23 ACTING PRESIDENT BAILEY: Read the
24 last section.

25 THE SECRETARY: Section 2. This

1 act shall take effect immediately.

2 ACTING PRESIDENT BAILEY: Call the
3 roll.

4 (The Secretary called the roll.)

5 ACTING PRESIDENT BAILEY: Announce
6 the results.

7 THE SECRETARY: In relation to
8 Calendar Number 609, recorded in the negative:
9 Senators Boyle and Felder.

10 Ayes, 61. Nays, 2.

11 ACTING PRESIDENT BAILEY: The bill
12 is passed.

13 THE SECRETARY: Calendar Number
14 665, Senate Print 6664A, by Senator May, an act
15 to amend the Public Health Law.

16 SENATOR LIU: Lay it aside for the
17 day.

18 ACTING PRESIDENT BAILEY: The bill
19 will be laid aside for the day.

20 THE SECRETARY: Calendar Number
21 692, Senate Print 8183, by Senator Gaughran, an
22 act to amend the Executive Law.

23 ACTING PRESIDENT BAILEY: Read the
24 last section.

25 THE SECRETARY: Section 2. This

1 act shall take effect immediately.

2 ACTING PRESIDENT BAILEY: Call the
3 roll.

4 (The Secretary called the roll.)

5 ACTING PRESIDENT BAILEY: Announce
6 the results.

7 THE SECRETARY: In relation to
8 Calendar 692, those Senators voting in the
9 negative are Senators Akshar, Borrello, Griffo,
10 Helming, Jordan, Lanza, Martucci, Oberacker,
11 O'Mara, Ortt, Rath, Ritchie, Serino, Stec and
12 Tedisco.

13 Ayes, 48. Nays, 15.

14 ACTING PRESIDENT BAILEY: The bill
15 is passed.

16 THE SECRETARY: Calendar Number
17 715, Senate Print 8405B, by Senator Parker, an
18 act relating to the development of a blueprint to
19 guide the replacement and redevelopment of
20 New York's oldest and most polluting fossil fuel
21 facilities.

22 ACTING PRESIDENT BAILEY: Read the
23 last section.

24 THE SECRETARY: Section 7. This
25 act shall take effect immediately.

1 ACTING PRESIDENT BAILEY: Call the
2 roll.

3 (The Secretary called the roll.)

4 ACTING PRESIDENT BAILEY: Announce
5 the results.

6 THE SECRETARY: In relation to
7 Calendar 715, those Senators voting in the
8 negative are Senators Akshar, Borrello, Gallivan,
9 Griffo, Helming, Jordan, Martucci, Mattera,
10 Oberacker, O'Mara, Ortt, Rath, Ritchie, Serino,
11 Stec and Tedisco.

12 Ayes, 47. Nays, 16.

13 ACTING PRESIDENT BAILEY: The bill
14 is passed.

15 THE SECRETARY: Calendar Number
16 799, Senate Print 7743, by Senator Savino, an act
17 to amend the Alcoholic Beverage Control Law.

18 ACTING PRESIDENT BAILEY: Read the
19 last section.

20 THE SECRETARY: Section 2. This
21 act shall take effect immediately on the 30th day
22 after it shall have become a law.

23 ACTING PRESIDENT BAILEY: Call the
24 roll.

25 (The Secretary called the roll.)

1 ACTING PRESIDENT BAILEY: Announce
2 the results.

3 THE SECRETARY: Ayes, 63.

4 ACTING PRESIDENT BAILEY: The bill
5 is passed.

6 THE SECRETARY: Calendar Number
7 817, Senate Print 2873, by Senator Kavanagh, an
8 act to amend the Executive Law.

9 ACTING PRESIDENT BAILEY: Read the
10 last section.

11 THE SECRETARY: Section 2. This
12 act shall take effect on the 180th day after it
13 shall have become a law.

14 ACTING PRESIDENT BAILEY: Call the
15 roll.

16 (The Secretary called the roll.)

17 ACTING PRESIDENT BAILEY: Announce
18 the results.

19 THE SECRETARY: Ayes, 63.

20 ACTING PRESIDENT BAILEY: The bill
21 is passed.

22 THE SECRETARY: Calendar Number
23 869, Senate Print 7406C, by Senator Krueger, an
24 act to amend the Executive Law.

25 ACTING PRESIDENT BAILEY: Read the

1 last section.

2 THE SECRETARY: Section 2. This
3 act shall take effect April 1, 2023.

4 ACTING PRESIDENT BAILEY: Call the
5 roll.

6 (The Secretary called the roll.)

7 ACTING PRESIDENT BAILEY: Announce
8 the results.

9 THE SECRETARY: In relation to
10 Calendar 869, those Senators voting in the
11 negative are Senators Akshar, Borrello, Boyle,
12 Felder, Gallivan, Griffo, Helming, Jordan, Lanza,
13 Martucci, Mattera, Oberacker, O'Mara, Ortt,
14 Palumbo, Rath, Ritchie, Serino, Stec, Tedisco and
15 Weik.

16 Ayes, 42. Nays, 21.

17 ACTING PRESIDENT BAILEY: The bill
18 is passed.

19 THE SECRETARY: Calendar Number
20 887, Assembly Print Number 159, by Assemblymember
21 Gottfried, an act to amend the Public Health Law.

22 ACTING PRESIDENT BAILEY: Read the
23 last section.

24 THE SECRETARY: Section 2. This
25 act shall take effect immediately.

1 ACTING PRESIDENT BAILEY: Call the
2 roll.

3 (The Secretary called the roll.)

4 ACTING PRESIDENT BAILEY: Announce
5 the results.

6 THE SECRETARY: Ayes, 63.

7 ACTING PRESIDENT BAILEY: The bill
8 is passed.

9 THE SECRETARY: Calendar Number
10 982, Assembly Print Number 1451A, by
11 Assemblymember Santabarbara, an act to amend the
12 Agriculture and Markets Law.

13 SENATOR WEIK: Lay it aside.

14 ACTING PRESIDENT BAILEY: Lay it
15 aside.

16 THE SECRETARY: Calendar Number
17 989, Assembly Print Number 9290, by
18 Assemblymember Forrest, an act to amend the
19 Social Services Law.

20 ACTING PRESIDENT BAILEY: Read the
21 last section.

22 THE SECRETARY: Section 2. This
23 act shall take effect on the 90th day after it
24 shall have become a law.

25 ACTING PRESIDENT BAILEY: Call the

1 roll.

2 (The Secretary called the roll.)

3 ACTING PRESIDENT BAILEY: Announce
4 the results.

5 THE SECRETARY: Ayes, 63.

6 ACTING PRESIDENT BAILEY: The bill
7 is passed.

8 THE SECRETARY: Calendar Number
9 1016, Senate Print 8750A, by Senator Weik, an act
10 authorizing the County of Suffolk to alienate
11 certain lands used as parklands.

12 ACTING PRESIDENT BAILEY: There is
13 a home-rule message at the desk.

14 Read the last section.

15 THE SECRETARY: Section 7. This
16 act shall take effect immediately.

17 ACTING PRESIDENT BAILEY: Call the
18 roll.

19 (The Secretary called the roll.)

20 ACTING PRESIDENT BAILEY: Announce
21 the results.

22 THE SECRETARY: Ayes, 63.

23 ACTING PRESIDENT BAILEY: The bill
24 is passed.

25 THE SECRETARY: Calendar Number

1 1019, Senate Print 1962A, by Senator Brooks, an
2 act to amend the General Business Law.

3 ACTING PRESIDENT BAILEY: Read the
4 last section.

5 THE SECRETARY: Section 2. This
6 act shall take effect immediately.

7 ACTING PRESIDENT BAILEY: Call the
8 roll.

9 (The Secretary called the roll.)

10 ACTING PRESIDENT BAILEY: Announce
11 the results.

12 THE SECRETARY: Ayes, 63.

13 ACTING PRESIDENT BAILEY: The bill
14 is passed.

15 THE SECRETARY: Calendar Number
16 1033, Assembly Print Number 9675A, by
17 Assemblymember Glick, an act to amend the
18 Multiple Dwelling Law.

19 ACTING PRESIDENT BAILEY: Read the
20 last section.

21 THE SECRETARY: Section 2. This
22 act shall take effect immediately.

23 ACTING PRESIDENT BAILEY: Call the
24 roll.

25 (The Secretary called the roll.)

1 ACTING PRESIDENT BAILEY: Announce
2 the results.

3 THE SECRETARY: In relation to
4 Calendar 1033, those Senators voting in the
5 negative are Senators Akshar, Borrello, Boyle,
6 Gallivan, Griffo, Jordan, Lanza, Mattera,
7 Oberacker, O'Mara, Ortt, Ritchie, Skoufis,
8 Tedisco and Weik.

9 Ayes, 48. Nays, 15.

10 ACTING PRESIDENT BAILEY: The bill
11 is passed.

12 THE SECRETARY: Calendar Number
13 1052, Senate Print 3535C, by Senator Kennedy, an
14 act to amend the Transportation Law.

15 ACTING PRESIDENT BAILEY: Read the
16 last section.

17 THE SECRETARY: Section 8. This
18 act shall take effect immediately.

19 ACTING PRESIDENT BAILEY: Call the
20 roll.

21 (The Secretary called the roll.)

22 ACTING PRESIDENT BAILEY: Announce
23 the results.

24 THE SECRETARY: Ayes, 63.

25 ACTING PRESIDENT BAILEY: The bill

1 is passed.

2 THE SECRETARY: Calendar Number
3 1053, Assembly Print Number 3801A, by
4 Assemblymember Abinanti, an act to amend the
5 Public Authorities Law.

6 ACTING PRESIDENT BAILEY: Read the
7 last section.

8 THE SECRETARY: Section 2. This
9 act shall take effect immediately.

10 ACTING PRESIDENT BAILEY: Call the
11 roll.

12 (The Secretary called the roll.)

13 ACTING PRESIDENT BAILEY: Announce
14 the results.

15 THE SECRETARY: In relation to
16 Calendar 1053, those Senators voting in the
17 negative are Senators Borrello, Helming, Jordan,
18 Oberacker, O'Mara, Ortt, Palumbo, Rath and
19 Tedisco.

20 Ayes, 54. Nays, 9.

21 ACTING PRESIDENT BAILEY: The bill
22 is passed.

23 THE SECRETARY: Calendar Number
24 1057, Senate Print 6839, by Senator Kaminsky, an
25 act to amend the Vehicle and Traffic Law.

1 ACTING PRESIDENT BAILEY: There is
2 a home-rule message at the desk.

3 Read the last section.

4 THE SECRETARY: Section 2. This
5 act shall take effect immediately.

6 ACTING PRESIDENT BAILEY: Call the
7 roll.

8 (The Secretary called the roll.)

9 ACTING PRESIDENT BAILEY: Announce
10 the results.

11 THE SECRETARY: In relation to
12 Calendar 1057, those Senators voting in the
13 negative are Senators Lanza and Skoufis.

14 Ayes, 61. Nays, 2.

15 ACTING PRESIDENT BAILEY: The bill
16 is passed.

17 THE SECRETARY: Calendar Number
18 1105, Senate Print 8828A, by Senator Mayer, an
19 act to amend the Environmental Conservation Law.

20 ACTING PRESIDENT BAILEY: Read the
21 last section.

22 THE SECRETARY: Section 3. This
23 act shall take effect immediately.

24 ACTING PRESIDENT BAILEY: Call the
25 roll.

1 (The Secretary called the roll.)

2 ACTING PRESIDENT BAILEY: Announce
3 the results.

4 THE SECRETARY: Ayes, 63.

5 ACTING PRESIDENT BAILEY: The bill
6 is passed.

7 THE SECRETARY: Calendar Number
8 1121, Senate Print 8826, by Senator Skoufis, an
9 act to amend the Alcoholic Beverage Control Law.

10 ACTING PRESIDENT BAILEY: Read the
11 last section.

12 THE SECRETARY: Section 4. This
13 act shall take effect on the 90th day after it
14 shall have become a law.

15 ACTING PRESIDENT BAILEY: Call the
16 roll.

17 (The Secretary called the roll.)

18 ACTING PRESIDENT BAILEY: Announce
19 the results.

20 THE SECRETARY: Ayes, 63.

21 ACTING PRESIDENT BAILEY: The bill
22 is passed.

23 THE SECRETARY: Calendar Number
24 1131, Assembly Print Number 25, by
25 Assemblymember Cahill, an act to amend the

1 Executive Law.

2 ACTING PRESIDENT BAILEY: Read the
3 last section.

4 THE SECRETARY: Section 2. This
5 act shall take effect immediately.

6 ACTING PRESIDENT BAILEY: Call the
7 roll.

8 (The Secretary called the roll.)

9 ACTING PRESIDENT BAILEY: Announce
10 the results.

11 THE SECRETARY: Ayes, 63.

12 ACTING PRESIDENT BAILEY: The bill
13 is passed.

14 THE SECRETARY: Calendar Number
15 1144, Senate Print 8767, by Senator Ryan, an act
16 to amend the Executive Law.

17 ACTING PRESIDENT BAILEY: Read the
18 last section.

19 THE SECRETARY: Section 2. This
20 act shall take effect immediately.

21 ACTING PRESIDENT BAILEY: Call the
22 roll.

23 (The Secretary called the roll.)

24 ACTING PRESIDENT BAILEY: Announce
25 the results.

1 THE SECRETARY: In relation to
2 Calendar 1144, those Senators voting in the
3 negative are Senators Brisport and Skoufis.

4 Ayes, 61. Nays, 2.

5 ACTING PRESIDENT BAILEY: The bill
6 is passed.

7 THE SECRETARY: Calendar Number
8 1153, Senate Print 8792, by Senator Mayer, an act
9 to amend the State Finance Law.

10 ACTING PRESIDENT BAILEY: Read the
11 last section.

12 THE SECRETARY: Section 4. This
13 act shall take effect immediately.

14 ACTING PRESIDENT BAILEY: Call the
15 roll.

16 (The Secretary called the roll.)

17 ACTING PRESIDENT BAILEY: Announce
18 the results.

19 THE SECRETARY: Ayes, 63.

20 ACTING PRESIDENT BAILEY: The bill
21 is passed.

22 THE SECRETARY: Calendar Number
23 1199, Senate Print 670, by Senator Sanders, an
24 act to amend the General Municipal Law and the
25 Banking Law.

1 SENATOR WEIK: Lay it aside.

2 ACTING PRESIDENT BAILEY: Lay it
3 aside.

4 THE SECRETARY: Calendar Number
5 1202, Senate Print 981, by Senator Gaughran, an
6 act to amend the Real Property Tax Law.

7 ACTING PRESIDENT BAILEY: Read the
8 last section.

9 THE SECRETARY: Section 2. This
10 act shall take effect on the first of April.

11 ACTING PRESIDENT BAILEY: Call the
12 roll.

13 (The Secretary called the roll.)

14 ACTING PRESIDENT BAILEY: Announce
15 the results.

16 THE SECRETARY: In relation to
17 Calendar Number 1202, voting in the negative are
18 Senators Akshar, Brisport and Lanza.

19 Ayes, 60. Nays, 3.

20 ACTING PRESIDENT BAILEY: The bill
21 is passed.

22 THE SECRETARY: Calendar Number
23 1244, Senate Print 7383, by Senator Stavisky, an
24 act to amend the Education Law.

25 ACTING PRESIDENT BAILEY: Read the

1 last section.

2 THE SECRETARY: Section 3. This
3 act shall take effect immediately.

4 ACTING PRESIDENT BAILEY: Call the
5 roll.

6 (The Secretary called the roll.)

7 ACTING PRESIDENT BAILEY: Announce
8 the results.

9 THE SECRETARY: Ayes, 63.

10 ACTING PRESIDENT BAILEY: The bill
11 is passed.

12 THE SECRETARY: Calendar Number
13 1275, Senate Print 7586A, by Senator Kaminsky, an
14 act to amend the Highway Law.

15 ACTING PRESIDENT BAILEY: Read the
16 last section.

17 THE SECRETARY: Section 3. This
18 act shall take effect immediately.

19 ACTING PRESIDENT BAILEY: Call the
20 roll.

21 (The Secretary called the roll.)

22 ACTING PRESIDENT BAILEY: Announce
23 the results.

24 THE SECRETARY: In relation to
25 Calendar Number 1275, voting in the negative:

1 Senator Krueger.

2 Ayes, 62. Nays, 1.

3 Excuse me. Also Senator Ramos.

4 Ayes, 61. Nays, 2.

5 ACTING PRESIDENT BAILEY: The bill
6 is passed.

7 THE SECRETARY: Calendar Number
8 1281, Senate Print 8927A, by Senator Brooks, an
9 act to amend the Highway Law.

10 (Off the record.)

11 SENATOR GIANARIS: Lay it aside for
12 the day.

13 ACTING PRESIDENT BAILEY: The bill
14 will be laid aside for the day.

15 THE SECRETARY: Calendar Number
16 1304, Senate Print Number 6524, by
17 Senator Reichlin-Melnick, an act to amend the
18 Public Service Law.

19 ACTING PRESIDENT BAILEY: Read the
20 last section.

21 THE SECRETARY: Section 2. This
22 act shall take effect on the 90th day after it
23 shall have become a law.

24 ACTING PRESIDENT BAILEY: Call the
25 roll.

1 (The Secretary called the roll.)

2 ACTING PRESIDENT BAILEY: Announce
3 the results.

4 THE SECRETARY: Ayes, 63.

5 ACTING PRESIDENT BAILEY: The bill
6 is passed.

7 THE SECRETARY: Calendar Number
8 1318, Assembly Print Number 7865A, by
9 Assemblymember Fahy, an act to amend the
10 General Business Law.

11 ACTING PRESIDENT BAILEY: Read the
12 last section.

13 THE SECRETARY: Section 2. This
14 act shall take effect on the 180th day after it
15 shall have become a law.

16 ACTING PRESIDENT BAILEY: Call the
17 roll.

18 (The Secretary called the roll.)

19 ACTING PRESIDENT BAILEY: Senator
20 Borrello to explain his vote.

21 SENATOR BORRELLO: Thank you,
22 Mr. President.

23 I understand the goal of this bill.
24 However, I think there's a far better way of
25 going about this.

1 We're saying here that we need to
2 have some kind of a human being that's going to
3 be monitoring social media, determining whether
4 something is a threat or not, and then reporting
5 it to someone. Sounds pretty old-fashioned to
6 me. In fact, I think there's a far better way to
7 do this.

8 Right now, if I were to put a post
9 up on social media, on Facebook, and mention the
10 word "COVID" or "vaccine," instantly that post is
11 tagged with a link that says "Find out where you
12 can get a COVID vaccine near you."

13 Now, that's probably a proprietary
14 algorithm that Facebook has. They should be able
15 to share that with other social media platforms.
16 Because all this is going to do is it's going to
17 push people into lesser-known and Dark Web social
18 media platforms. How many people heard of Twitch
19 before the Buffalo shooting? Anybody? You?
20 That's weird, though.

21 (Laughter.)

22 SENATOR BORRELLO: I will say that
23 I did not, because I'm not a gamer.

24 But if you can incidentally tag a
25 COVID post with a link, you can certainly

1 instantly tag and report -- not to a human being,
2 but to another computer in law enforcement to do
3 this.

4 You're leaving the subject to human
5 error. And I think it's a nice attempt, but
6 there are other flaws with this bill, so I'll be
7 voting no. Thank you.

8 ACTING PRESIDENT BAILEY: Senator
9 Borrello to be recorded in the negative.

10 Senator Kaminsky to explain his
11 vote.

12 SENATOR KAMINSKY: Thank you very
13 much.

14 I think this bill from
15 Senator Kaplan is extremely important. Whether
16 it's in a bullying context where someone posts
17 terrible pictures of your kid or your neighbor's
18 kid or whether someone posts hateful speech,
19 people don't know what to do when they see this.

20 This doesn't say anyone has to do
21 anything other than say where you can report it.
22 A parent has called me: Do you know that there
23 is a naked picture of my child someone posts?
24 What do I do? Who do I call? I have no idea.
25 There's no number, there's no anything to do.

1 Or, in the case of hateful speech,
2 it could be even more important and in the case
3 of a threat, it could be terribly important.

4 This just says if you need to reach
5 us and flag something for us, here is how you do
6 it. What happens after that, this bill does not
7 speak to.

8 I think this makes common sense, is
9 common sense, and it is good policy. I'm an eye.

10 ACTING PRESIDENT BAILEY: Senator
11 Kaminsky to be recorded in the affirmative.

12 Senator Kennedy to explain his vote.

13 SENATOR KENNEDY: Thank you,
14 Mr. President.

15 You know, I want to just call into
16 question what I'm hearing on the floor here today
17 from my colleagues that may be against this bill.

18 You know, we just had a horrific
19 mass shooting in Buffalo less than three weeks
20 ago where 10 people died at the hands of an
21 evildoer who posted his hateful thoughts and his
22 horrific atrocities on the internet before he
23 carried out his plan. Wouldn't it have been
24 well-thought-out to have a place to report this
25 sort of thing?

1 You know, are we to do nothing? Are
2 we to stand back and just pretend this didn't
3 happen and carry on, business as usual? It's
4 mind-boggling to think that anybody would be
5 against some accountability on these websites and
6 a reporting mechanism to allow for the hate and
7 the evil and the white supremacy that's happening
8 all across the internet to be reported.

9 This handles all of that very
10 neatly, and hopefully we'll prevent some of these
11 atrocities in the future by being able to call
12 them out before they happen.

13 I vote aye, Mr. President.

14 ACTING PRESIDENT BAILEY: Senator
15 Kennedy to be recorded in the affirmative.

16 Announce the results.

17 THE SECRETARY: In relation to
18 Calendar 1318, voting in the negative are
19 Senators Borrello, Oberacker and Tedisco.

20 Ayes, 60. Nays, 3.

21 ACTING PRESIDENT BAILEY: The bill
22 is passed.

23 THE SECRETARY: Calendar Number
24 1326, Assembly Print Number 9649A, by
25 Assemblymember Woerner, an act to amend the

1 Economic Development Law.

2 ACTING PRESIDENT BAILEY: Read the
3 last section.

4 THE SECRETARY: Section 4. This
5 act shall take effect on the first of January.

6 ACTING PRESIDENT BAILEY: Call the
7 roll.

8 (The Secretary called the roll.)

9 ACTING PRESIDENT BAILEY: Announce
10 the results.

11 THE SECRETARY: In relation to
12 Calendar Number 1326, voting in the negative:
13 Senator Skoufis.

14 Ayes, 62. Nays, 1.

15 ACTING PRESIDENT BAILEY: The bill
16 is passed.

17 THE SECRETARY: Calendar Number
18 1333, Senate Print 4685, by Senator Rivera, an
19 act to amend the Public Health Law.

20 ACTING PRESIDENT BAILEY: Read the
21 last section.

22 THE SECRETARY: Section 5. This
23 act shall take effect on the 90th day after it
24 shall have become a law.

25 ACTING PRESIDENT BAILEY: Call the

1 roll.

2 (The Secretary called the roll.)

3 ACTING PRESIDENT BAILEY: Announce
4 the results.

5 THE SECRETARY: In relation to
6 Calendar 1333, those Senators voting in the
7 negative are Senators Akshar, Borrello, Boyle,
8 Felder, Gallivan, Griffo, Helming, Jordan, Lanza,
9 Mannion, Martucci, Mattera, Oberacker, O'Mara,
10 Ortt, Rath, Ritchie, Serrano, Skoufis, Stec,
11 Tedisco and Weik.

12 Ayes, 41. Nays, 22.

13 ACTING PRESIDENT BAILEY: The bill
14 is passed.

15 THE SECRETARY: Calendar Number
16 1375, Assembly Print Number 9751, by
17 Assemblymember Lupardo, an act to amend the
18 Highway Law.

19 ACTING PRESIDENT BAILEY: Read the
20 last section.

21 THE SECRETARY: Section 2. This
22 act shall take effect immediately.

23 ACTING PRESIDENT BAILEY: Call the
24 roll.

25 (The Secretary called the roll.)

1 ACTING PRESIDENT BAILEY: Announce
2 the results.

3 THE SECRETARY: In relation to
4 Calendar Number 1375, voting in the negative:
5 Senator Brisport.

6 Ayes, 62. Nays, 1.

7 ACTING PRESIDENT BAILEY: The bill
8 is passed.

9 THE SECRETARY: Calendar Number
10 1556, Senate Print 8180, by Senator Hinchey, an
11 act to amend the Town Law.

12 SENATOR GIANARIS: Lay it aside for
13 the day, please.

14 ACTING PRESIDENT BAILEY: Lay it
15 aside for the day.

16 THE SECRETARY: Calendar Number
17 1558, Assembly Print Number 9269A, by
18 Assemblymember McDonald, an act to amend the
19 County Law and the Tax Law.

20 ACTING PRESIDENT BAILEY: There is
21 a home-rule message at the desk.

22 Read the last section.

23 THE SECRETARY: Section 2. This
24 act shall take effect immediately.

25 ACTING PRESIDENT BAILEY: Call the

1 roll.

2 (The Secretary called the roll.)

3 ACTING PRESIDENT BAILEY: Announce
4 the results.

5 THE SECRETARY: In relation to
6 Calendar Number 1558, those Senators voting in
7 the negative are Senators Akshar, Borrello,
8 Griffo, Helming, Jordan, Lanza, Martucci,
9 Mattera, Oberacker, O'Mara, Ortt, Palumbo, Rath,
10 Ritchie, Serino, Stec, Tedisco and Weik.

11 Ayes, 45. Nays, 18.

12 ACTING PRESIDENT BAILEY: The bill
13 is passed.

14 THE SECRETARY: Calendar Number
15 1560, Assembly Print Number 9625, by
16 Assemblymember Jacobson, an act to amend the
17 Tax Law.

18 ACTING PRESIDENT BAILEY: There is
19 a home-rule message at the desk.

20 Read the last section.

21 THE SECRETARY: Section 2. This
22 act shall take effect immediately.

23 ACTING PRESIDENT BAILEY: Call the
24 roll.

25 (The Secretary called the roll.)

1 ACTING PRESIDENT BAILEY: Announce
2 the results.

3 THE SECRETARY: In relation to
4 Calendar 1560, those Senators voting in the
5 negative are Senators Akshar, Boyle, Brooks,
6 Felder, Gallivan, Gaughran, Griffo, Harckham,
7 Helming, Hinchey, Jordan, Kaplan, Kennedy, Lanza,
8 Mannion, Martucci, Oberacker, O'Mara, Ortt,
9 Palumbo, Rath, Ritchie, Serino, Stec, Tedisco,
10 Thomas and Weik.

11 Ayes, 36. Nays, 27.

12 ACTING PRESIDENT BAILEY: The bill
13 is passed.

14 THE SECRETARY: Calendar Number
15 1561, Senate Print 8396A, by Senator Skoufis, an
16 act to amend the Real Property Tax Law.

17 ACTING PRESIDENT BAILEY: Read the
18 last section.

19 THE SECRETARY: Section 2. This
20 act shall take effect on the first of January.

21 ACTING PRESIDENT BAILEY: Call the
22 roll.

23 (The Secretary called the roll.)

24 ACTING PRESIDENT BAILEY: Announce
25 the results.

1 THE SECRETARY: In relation to
2 Calendar Number 1561, voting in the negative:
3 Senator Kaplan.

4 Ayes, 62. Nays, 1.

5 ACTING PRESIDENT BAILEY: The bill
6 is passed.

7 THE SECRETARY: Calendar Number
8 1563, Senate Print 8549, by Senator Persaud, an
9 act to amend the Insurance Law.

10 ACTING PRESIDENT BAILEY: Read the
11 last section.

12 THE SECRETARY: Section 4. This
13 act shall take effect on the 120th day after it
14 shall have become a law.

15 ACTING PRESIDENT BAILEY: Call the
16 roll.

17 (The Secretary called the roll.)

18 ACTING PRESIDENT BAILEY: Announce
19 the results.

20 THE SECRETARY: Ayes, 63.

21 ACTING PRESIDENT BAILEY: The bill
22 is passed.

23 THE SECRETARY: Calendar Number
24 1573, Senate Print 8743B, by Senator O'Mara, an
25 act authorizing the City of Elmira, County of

1 Chemung, to alienate and sell parklands.

2 SENATOR GIANARIS: Lay it aside
3 temporarily.

4 (Off the record.)

5 ACTING PRESIDENT BAILEY: Lay it
6 aside temporarily.

7 ACTING PRESIDENT BAILEY: Calendar
8 Number 1574, Senate Print 8752B, by
9 Senator Kaplan, an act in relation to authorizing
10 Gurudwara Shaheedan, Inc., to file with the
11 County of Nassau assessor an application for
12 certain real property tax exemptions.

13 ACTING PRESIDENT BAILEY: Read the
14 last section.

15 THE SECRETARY: Section 2. This
16 act shall take effect immediately.

17 ACTING PRESIDENT BAILEY: Call the
18 roll.

19 (The Secretary called the roll.)

20 ACTING PRESIDENT BAILEY: Announce
21 the results.

22 THE SECRETARY: In relation to
23 Calendar 1574, those Senators voting in the
24 negative are Senators Akshar and O'Mara.

25 Ayes, 61. Nays, 2.

1 ACTING PRESIDENT BAILEY: The bill
2 is passed.

3 THE SECRETARY: Calendar Number
4 1578, Senate Print 8845A, by Senator Skoufis, an
5 act to amend the Tax Law.

6 ACTING PRESIDENT BAILEY: There is
7 a home-rule message at the desk.

8 Read the last section.

9 THE SECRETARY: Section 2. This
10 act shall take effect immediately.

11 ACTING PRESIDENT BAILEY: Call the
12 roll.

13 (The Secretary called the roll.)

14 ACTING PRESIDENT BAILEY: Announce
15 the results.

16 THE SECRETARY: In relation to
17 Calendar 1578, those Senators voting in the
18 negative are Senators Akshar, Brooks, Felder,
19 Gallivan, Gaughran, Griffo, Harckham, Helming,
20 Hinchey, Jordan, Kaplan, Kennedy, Lanza, Mannion,
21 Martucci, Oberacker, O'Mara, Ortt, Palumbo, Rath,
22 Ritchie, Serino, Stec, Tedisco, Thomas and Weik.

23 Ayes, 37. Nays, 26.

24 ACTING PRESIDENT BAILEY: The bill
25 is passed.

1 THE SECRETARY: Calendar Number
2 1592, Senate Print 9120A, by Senator Sepúlveda,
3 an act to authorize the City of New York to
4 discontinue a portion of real property in the
5 County of the Bronx.

6 ACTING PRESIDENT BAILEY: There is
7 a home-rule message at the desk.

8 Read the last section.

9 THE SECRETARY: Section 7. This
10 act shall take effect immediately.

11 ACTING PRESIDENT BAILEY: Call the
12 roll.

13 (The Secretary called the roll.)

14 ACTING PRESIDENT BAILEY: Announce
15 the results.

16 THE SECRETARY: In relation to
17 Calendar 1592, voting in the negative are
18 Senators Oberacker and Ortt.

19 Ayes, 61. Nays, 2.

20 ACTING PRESIDENT BAILEY: The bill
21 is passed.

22 THE SECRETARY: Calendar Number
23 1595, Senate Print 9145A, by Senator Weik, an act
24 in relation to authorizing the Town of
25 Brookhaven, County of Suffolk assessor to accept

1 an application for a real property tax exemption.

2 SENATOR WEIK: Lay it aside
3 temporarily.

4 ACTING PRESIDENT BAILEY: The bill
5 will be laid aside temporarily.

6 THE SECRETARY: Calendar Number
7 1598, Senate Print 9323A, by Senator Salazar, an
8 act to authorize the City of New York to
9 discontinue the use as parkland of a portion of
10 real property in the Borough of Brooklyn.

11 ACTING PRESIDENT BAILEY: There is
12 a home-rule message at the desk.

13 Read the last section.

14 THE SECRETARY: Section 9. This
15 act shall take effect immediately.

16 ACTING PRESIDENT BAILEY: Call the
17 roll.

18 (The Secretary called the roll.)

19 ACTING PRESIDENT BAILEY: Announce
20 the results.

21 THE SECRETARY: In relation to
22 Calendar Number 1598, voting in the negative:
23 Senator Oberacker.

24 Ayes, 62. Nays, 1.

25 ACTING PRESIDENT BAILEY: The bill

1 is passed.

2 THE SECRETARY: Calendar Number
3 1628, Assembly Print Number 4947B, by
4 Assemblymember Bichotte Hermelyn, an act to amend
5 the Penal Law.

6 ACTING PRESIDENT BAILEY: Read the
7 last section.

8 THE SECRETARY: Section 5. This
9 act shall take effect on the 30th day after it
10 shall have become a law.

11 ACTING PRESIDENT BAILEY: Call the
12 roll.

13 (The Secretary called the roll.)

14 ACTING PRESIDENT BAILEY: Senator
15 Ramos to explain her vote.

16 SENATOR RAMOS: Yes, thank you,
17 Mr. President. I rise in support of
18 Senator Sanders' bill.

19 Actually, you know, upon being
20 elected to the State Senate one of my main
21 missions was actually to figure out how I could
22 help get this bill passed here in this body.

23 You know, we have lost so many
24 workers since the death of Carlos Moncayo in the
25 construction industry. In fact, 86 percent of

1 fatalities are non-union work sites, and at least
2 54 percent of the fatalities are Latinos. And
3 unfortunately, there are six workers since who we
4 cannot name, we haven't been able to identify who
5 they are.

6 But I do want to read the names of
7 workers who have died building New York City
8 since Carlos Moncayo was buried on a construction
9 site in 2015.

10 Carlos Moncayo, Trevor Loftus,
11 Christian Ginesi, Dominick Deluca, Angel Munoz,
12 Juan Cerezo, Fernando Venegas, Pedro Basilico,
13 Eugeniuzo Klecha, Konstantinos Potamousis, Manuel
14 Sobral, Alex Santizo, Phil Dellegrazie, Igor
15 Begun, Lorenzo Perechu, Luis Mata, Bruno
16 Travalja, Paul Kennedy, Michael Buffamante,
17 George Smith, Elizandro Enriquez Ramos, Wilfredo
18 Enriques, Mahamoudon Marega, Rakesh Ram, Antonio
19 Veloso, Jose Cruz, Thomas Ryan, Jonathan
20 Lupinsky, Antonio Garcia, Joseph Pacheco, Juan
21 Chonillo, Christopher Sayers, Przemyslaw
22 Krawczyk, Ju Cong Wu, John Davie, Jorge
23 Castaneda, Edgar Pazmino, Angel Espinoza, Carlos
24 Gabrielli, Luis Almonte, Juan Otoy, Over
25 Paredes, Nelson Salinas, Erik Mendoza, Gregory

1 Echevarria, Giuseppe Pagano, Carlos Olmedo Lala,
2 Rene Chavarria, Jose Martins, Segundo Huerta,
3 Stanislaw Supinsky, Luis Miguel Duran Solano,
4 David Johnson, Victor Pando, Wilson Patricio
5 López Flores, Mario Salas Victorio, Marcos
6 Rodriguez, Saqueo Mejia, Jashim Mia, Joseph Rosa,
7 Scott Keegan, Lizbeth Mass, Diego Lliguicota,
8 Michael Melfi, David Alomia Jr., Angel Pilataxi,
9 Alexander Gabatashvili and Holger Molino-Pinos
10 are all the men who have died on construction
11 sites in New York City alone since 2015. Most of
12 them are Latino, most of them were my neighbors
13 from my district.

14 And so I want to thank the leader,
15 and I want to thank every single one of my
16 colleagues who is about to vote for this bill.
17 It is going to be life-saving for families in my
18 district, and I am forever indebted to you.

19 Thank you.

20 ACTING PRESIDENT BAILEY: Senator
21 Ramos to be recorded in the affirmative.

22 Senator Sanders to explain his vote.

23 SENATOR SANDERS: Thank you,
24 Mr. President.

25 It has been very well put by my

1 colleague Senator Ramos, the necessity of this
2 bill. I really hope that people have listened
3 and that those words that she was using, those
4 names, that people remember they are people
5 behind that, they are family behind that.
6 There's a -- an injustice that has called out for
7 it to be remedied, and it has waited for a long
8 time for this moment.

9 I am grateful to so many people.
10 I'm grateful to Local 79. I'm grateful to the
11 leader. I'm grateful to all of my colleagues
12 here that all of us can take credit for remedying
13 a systemic failure.

14 For those who don't know, a young
15 man went to work, Carlos, and he -- 22 years
16 old -- went to work and he was set to build a
17 trench. What he didn't know was an inspector had
18 come in and said no one should build that trench,
19 it's not safe. No one go in there.

20 The employer, of course, said --
21 well, not of course, but the employer said, go in
22 and build a trench anyway. The trench collapsed,
23 killed him.

24 They took the employer to court.
25 The employer fought it, and the best that they

1 could do was fine the guy \$10,000. Ten thousand
2 dollars for a person's life, a young person, 22
3 years old, and that was the most that society
4 could do in a case like that.

5 Not anymore. With your vote, we're
6 going to increase that penalty to \$500,000. Not
7 anymore will we read name after name after name.

8 When you were reading it, Senator, I
9 was saying, When will it end? Can she ever --
10 when will this end? It was horrifying to hear
11 each name.

12 So we will call this law after
13 Carlos. And be aware that there were Carloses
14 before him and Carloses after. But at least we
15 in this body can do something about it, and we're
16 doing something about it today.

17 Mr. President, I of course am voting
18 yes, and I urge everyone, in honor of all of
19 those names and families that go behind that, to
20 vote yes on Carlos's bill.

21 Thank you, Mr. President.

22 ACTING PRESIDENT BAILEY: Senator
23 Sanders to be recorded in the affirmative.

24 Announce the results.

25 THE SECRETARY: In relation to

1 Calendar 1628, voting in the negative are
2 Senators Akshar, Oberacker and Ritchie.

3 Ayes, 60. Nays, 3.

4 ACTING PRESIDENT BAILEY: The bill
5 is passed.

6 THE SECRETARY: Calendar Number
7 1632, Senate Print 1608, by Senator Gounardes, an
8 act to amend the Civil Service Law.

9 ACTING PRESIDENT BAILEY: There is
10 a home-rule message at the desk.

11 Read the last section.

12 THE SECRETARY: Section 2. This
13 act shall take effect immediately.

14 ACTING PRESIDENT BAILEY: Call the
15 roll.

16 (The Secretary called the roll.)

17 ACTING PRESIDENT BAILEY: Announce
18 the results.

19 THE SECRETARY: In relation to
20 Calendar Number 1632, voting in the negative:
21 Senator Lanza.

22 Ayes, 62. Nays, 1.

23 ACTING PRESIDENT BAILEY: The bill
24 is passed.

25 THE SECRETARY: Calendar Number

1 1640, Assembly Print Number 9375, by
2 Assemblymember Hawley, an act to authorize the
3 County of Orleans to offer an optional 20-year
4 retirement plan to Ryan Flaherty.

5 ACTING PRESIDENT BAILEY: There is
6 a home-rule message at the desk.

7 Read the last section.

8 THE SECRETARY: Section 2. This
9 act shall take effect immediately.

10 ACTING PRESIDENT BAILEY: Call the
11 roll.

12 (The Secretary called the roll.)

13 ACTING PRESIDENT BAILEY: Announce
14 the results.

15 THE SECRETARY: In relation to
16 Calendar Number 1640, voting in the negative:
17 Senator Brisport.

18 Ayes, 62. Nays, 1.

19 ACTING PRESIDENT BAILEY: The bill
20 is passed.

21 THE SECRETARY: Calendar Number
22 1658, Assembly Print Number 879, by
23 Assemblymember Gottfried, an act to amend the
24 Public Health Law and the Insurance Law.

25 SENATOR WEIK: Lay it aside.

1 ACTING PRESIDENT BAILEY: Lay it
2 aside.

3 THE SECRETARY: Calendar Number
4 1660, Senate Print 8297A, by Senator Gounardes,
5 an act to amend the Civil Practice Law and Rules.

6 ACTING PRESIDENT BAILEY: Read the
7 last section.

8 THE SECRETARY: Section 2. This
9 act shall take effect immediately.

10 ACTING PRESIDENT BAILEY: Call the
11 roll.

12 (The Secretary called the roll.)

13 ACTING PRESIDENT BAILEY: Announce
14 the results.

15 THE SECRETARY: In relation to
16 Calendar Number 1660, those Senators voting in
17 the negative are Senators Akshar, Borrello,
18 Boyle, Jordan, Lanza, Martucci, Mattera, Rath and
19 Tedisco.

20 Ayes, 54. Nays, 9.

21 ACTING PRESIDENT BAILEY: The bill
22 is passed.

23 THE SECRETARY: Calendar Number
24 1671, Assembly Print Number 9690, by
25 Assemblymember Gunther, an act granting

1 retroactive Tier IV membership in the New York
2 State and Local Employees' Retirement System to
3 Mark Pavlak.

4 ACTING PRESIDENT BAILEY: There is
5 a home-rule message at the desk.

6 Read the last section.

7 THE SECRETARY: Section 2. This
8 act shall take effect immediately.

9 ACTING PRESIDENT BAILEY: Call the
10 roll.

11 (The Secretary called the roll.)

12 ACTING PRESIDENT BAILEY: Announce
13 the results.

14 THE SECRETARY: Ayes, 63.

15 ACTING PRESIDENT BAILEY: The bill
16 is passed.

17 THE SECRETARY: Calendar Number
18 1676, Senate Print 8757, by Senator Helming, an
19 act in relation to authorizing the Town of
20 Webster, County of Monroe, to alienate certain
21 lands used as parkland.

22 ACTING PRESIDENT BAILEY: There is
23 a home-rule message at the desk.

24 Read the last section.

25 THE SECRETARY: Section 6. This

1 act shall take effect immediately.

2 ACTING PRESIDENT BAILEY: Call the
3 roll.

4 (The Secretary called the roll.)

5 ACTING PRESIDENT BAILEY: Announce
6 the results.

7 THE SECRETARY: Ayes, 63.

8 ACTING PRESIDENT BAILEY: The bill
9 is passed.

10 THE SECRETARY: Calendar Number
11 1679, Senate Print 8775, by Senator Cooney, an
12 act extending the time within which certain
13 elected officials may file their oaths of office.

14 ACTING PRESIDENT BAILEY: There is
15 a home-rule message at the desk.

16 Read the last section.

17 THE SECRETARY: Section 2. This
18 act shall take effect immediately.

19 ACTING PRESIDENT BAILEY: Call the
20 roll.

21 (The Secretary called the roll.)

22 ACTING PRESIDENT BAILEY: Announce
23 the results.

24 THE SECRETARY: In relation to
25 Calendar Number 1679, voting in the negative:

1 Senator Ortt.

2 Ayes, 62. Ayes, 1.

3 ACTING PRESIDENT BAILEY: The bill
4 is passed.

5 THE SECRETARY: Calendar Number
6 1681, Assembly Print Number 9964, by
7 Assemblymember Joyner, an act to amend the
8 Public Authorities Law.

9 ACTING PRESIDENT BAILEY: Read the
10 last section.

11 THE SECRETARY: Section 2. This
12 act shall take effect immediately.

13 ACTING PRESIDENT BAILEY: Call the
14 roll.

15 (The Secretary called the roll.)

16 ACTING PRESIDENT BAILEY: Announce
17 the results.

18 THE SECRETARY: Ayes, 63.

19 ACTING PRESIDENT BAILEY: The bill
20 is passed.

21 THE SECRETARY: Calendar Number
22 1682, Senate Print 8832, by Senator Boyle, an act
23 authorizing the town board of the Town of Islip,
24 County of Suffolk, to transfer funds of the
25 Kismet Street Improvement District.

1 SENATOR GIANARIS: Lay it aside
2 temporarily.

3 ACTING PRESIDENT BAILEY: The bill
4 will be laid aside temporarily.

5 THE SECRETARY: Calendar Number
6 1685, Senate Print 8864, by Senator Mattera, an
7 act in relation to authorizing the assessor of
8 the Town of Brookhaven, County of Suffolk, to
9 accept an application for exemption from real
10 property taxes.

11 ACTING PRESIDENT BAILEY: Read the
12 last section.

13 THE SECRETARY: Section 2. This
14 act shall take effect immediately.

15 ACTING PRESIDENT BAILEY: Call the
16 roll.

17 (The Secretary called the roll.)

18 ACTING PRESIDENT BAILEY: Announce
19 the results.

20 THE SECRETARY: In relation to
21 Calendar 1685, voting in the negative are
22 Senators Akshar and Oberacker.

23 Ayes, 61. Nays, 2.

24 ACTING PRESIDENT BAILEY: The bill
25 is passed.

1 THE SECRETARY: Calendar Number
2 1686, Senate Print Number 8874, by
3 Senator Reichlin-Melnick, an act to amend the
4 Executive Law and the State Finance Law.

5 ACTING PRESIDENT BAILEY: Read the
6 last section.

7 THE SECRETARY: Section 6. This
8 act shall take effect immediately.

9 ACTING PRESIDENT BAILEY: Call the
10 roll.

11 (The Secretary called the roll.)

12 ACTING PRESIDENT BAILEY: Announce
13 the results.

14 THE SECRETARY: In relation to
15 Calendar 1686, those Senators voting in the
16 negative are Senators Akshar, Borrello, Griffo,
17 Helming, Jordan, Martucci, Ortt, Stec, Tedisco
18 and Weik. Also Senator Oberacker.

19 (Off the record.)

20 ACTING PRESIDENT BAILEY: Senator
21 Reichlin-Melnick to explain his vote.

22 SENATOR REICHLIN-MELNICK: Thank
23 you, Mr. President.

24 I rise today in support of S8874, a
25 bill that I'm proud to sponsor because New York

1 must do all that we can to dismantle the
2 institutional racism that continues to undermine
3 the ability for us to reduce the racial wealth
4 gap.

5 Owning a home is not just the
6 foundation of the American dream, it's often the
7 greatest contributor to household wealth. And
8 yet throughout the history of the United States,
9 government policies have systematically
10 undermined the ability for Black people to own
11 homes, which is such a critical step in ensuring
12 and establishing generational wealth.

13 When the New Deal established the
14 Federal Housing Administration, they created a
15 path for many Americans to own their own homes.
16 But this monumental program that fostered the
17 largest wealth accumulation process in the 20th
18 century excluded Black Americans. In fact, the
19 FHA intentionally created policies that
20 discouraged banks from lending to Blacks and that
21 today we call redlining. The Fair Housing Act of
22 1968 officially ended redlining, and it was
23 intended to end systematic housing
24 discrimination. But the goals of the Fair
25 Housing Act have never been fully realized.

1 And so today appraisal
2 discrimination is a continuation of the legacy of
3 federal policies like redlining. And in fact,
4 it's embedded in the home purchasing process.

5 There are many stories of Black
6 homeowners having their homes appraised at
7 drastically lower values than white homeowners in
8 the same neighborhood. And a 2018 study by the
9 Brookings Institute found that homes in majority
10 Black neighborhoods were undervalued by an
11 average of 23 percent, or \$48,000 per home, and
12 that appraisal discrimination collectively costs
13 Black homeowners billions of dollars a year in
14 lost home values.

15 So this bill aims to crack down on
16 appraisal discrimination by forcing violators of
17 state and federal fair housing policies and laws
18 to pay fines that will be allocated to the
19 Anti-Discrimination in Housing Fund. It will
20 allow New York to join just a handful of states
21 that have taken action to ensure that everyone,
22 regardless of race, can fully and fairly
23 participate in buying homes.

24 I proudly vote aye, and I thank our
25 Majority Leader for bringing it to a vote.

1 ACTING PRESIDENT BAILEY: Senator
2 Reichlin-Melnick to be recorded in the
3 affirmative.

4 Announce the results. Could we have
5 a show of hands for those who are recorded in the
6 negative.

7 Senator Jackson to explain his vote.

8 SENATOR JACKSON: Good afternoon.

9 My colleagues, I rise to --
10 sometimes, you know -- I know that everyone has a
11 right in order to express themselves. But when
12 in fact people are discriminating, no matter who
13 it is, regarding housing, it's a shame. And we
14 need to stand up and fight discrimination no
15 matter where it is.

16 So my colleague, let me thank you
17 for bringing this up. Obviously some of our
18 colleagues are going to vote no because maybe
19 they feel that someone should not be fined when
20 they're discriminating against people in housing.

21 So I just need to stand up for
22 what's right and what's legal and just. And I
23 just say that it's kind of shameful, to me, to
24 stand here and watch all my colleagues vote no
25 for a fine regarding anyone that has

1 discriminated against individuals for housing.

2 So my colleague, I thank you, and I
3 vote aye on this bill.

4 ACTING PRESIDENT BAILEY: Senator
5 Jackson to be recorded in the affirmative.

6 Announce the results.

7 THE SECRETARY: In relation to
8 Calendar 1686, those Senators voting in the
9 negative are Senators Akshar, Borrello, Griffo,
10 Jordan, Martucci, Mattera, Oberacker, Ortt, Stec
11 and Tedisco.

12 Ayes, 53. Nays, 10.

13 ACTING PRESIDENT BAILEY: The bill
14 is passed.

15 THE SECRETARY: Calendar Number
16 1687, Senate Print Number 8881A, by
17 Senator Reichlin-Melnick, an act to authorize the
18 assessor of the Town of Ramapo, County of
19 Rockland, to accept an application for a real
20 property tax exemption.

21 ACTING PRESIDENT BAILEY: Read the
22 last section.

23 THE SECRETARY: Section 2. This
24 act shall take effect immediately.

25 ACTING PRESIDENT BAILEY: Call the

1 roll.

2 (The Secretary called the roll.)

3 ACTING PRESIDENT BAILEY: Announce
4 the results.

5 THE SECRETARY: In relation to
6 Calendar 1687, those Senators voting in the
7 negative are Senators Akshar and O'Mara.

8 Ayes, 61. Nays, 2.

9 ACTING PRESIDENT BAILEY: The bill
10 is passed.

11 THE SECRETARY: Calendar Number
12 1690, Assembly Print Number 9710, by
13 Assemblymember Barrett, an act in relation to
14 conducting a study of public and private museums
15 in New York State.

16 ACTING PRESIDENT BAILEY: Read the
17 last section.

18 THE SECRETARY: Section 2. This
19 act shall take effect immediately.

20 ACTING PRESIDENT BAILEY: Call the
21 roll.

22 (The Secretary called the roll.)

23 ACTING PRESIDENT BAILEY: Announce
24 the results.

25 THE SECRETARY: In relation to

1 Calendar Number 1690, voting in the negative:
2 Senator Skoufis.

3 Ayes, 62. Nays, 1.

4 ACTING PRESIDENT BAILEY: The bill
5 is passed.

6 THE SECRETARY: Calendar Number
7 1691, Assembly Print Number 10085, by
8 Assemblymember Solages, an act to amend the
9 Vehicle and Traffic Law.

10 ACTING PRESIDENT BAILEY: There is
11 a home-rule message at the desk.

12 Read the last section.

13 THE SECRETARY: Section 2. This
14 act shall take effect immediately.

15 ACTING PRESIDENT BAILEY: Call the
16 roll.

17 (The Secretary called the roll.)

18 ACTING PRESIDENT BAILEY: Announce
19 the results.

20 THE SECRETARY: In relation to
21 Calendar Number 1691, voting in the negative:
22 Senator Skoufis.

23 Ayes, 62. Nays, 1.

24 ACTING PRESIDENT BAILEY: The bill
25 is passed.

1 THE SECRETARY: Calendar Number
2 1693, Senate Print 8957A, by Senator Myrie, an
3 act to amend the Election Law and the State
4 Finance Law.

5 SENATOR GIANARIS: Lay it aside for
6 the day.

7 ACTING PRESIDENT BAILEY: The bill
8 will be laid aside for the day.

9 THE SECRETARY: Calendar Number
10 1694, Senate Print 8959, by Senator Savino, an
11 act to amend the Retirement and Social Security
12 Law.

13 ACTING PRESIDENT BAILEY: Read the
14 last section.

15 THE SECRETARY: Section 3. This
16 act shall take effect immediately.

17 ACTING PRESIDENT BAILEY: Call the
18 roll.

19 (The Secretary called the roll.)

20 ACTING PRESIDENT BAILEY: Announce
21 the results.

22 THE SECRETARY: Ayes, 63.

23 ACTING PRESIDENT BAILEY: The bill
24 is passed.

25 THE SECRETARY: Calendar Number

1 1695, Assembly Print Number 9749B, by
2 Assemblymember Eichenstein, an act to amend the
3 Social Services Law.

4 ACTING PRESIDENT BAILEY: Read the
5 last section.

6 THE SECRETARY: Section 2. This
7 act shall take effect on the 180th day after it
8 shall have become a law.

9 ACTING PRESIDENT BAILEY: Call the
10 roll.

11 (The Secretary called the roll.)

12 ACTING PRESIDENT BAILEY: Announce
13 the results.

14 THE SECRETARY: Ayes, 63.

15 ACTING PRESIDENT BAILEY: The bill
16 is passed.

17 THE SECRETARY: Calendar Number
18 1697, Assembly Print Number 10113, by
19 Assemblymember McDonald, an act to amend the
20 Real Property Actions and Proceedings Law.

21 ACTING PRESIDENT BAILEY: Read the
22 last section.

23 THE SECRETARY: Section 2. This
24 act shall take effect on the 90th day after it
25 shall have become a law.

1 ACTING PRESIDENT BAILEY: Call the
2 roll.

3 (The Secretary called the roll.)

4 ACTING PRESIDENT BAILEY: Announce
5 the results.

6 THE SECRETARY: In relation to
7 Calendar 1697, those Senators voting in the
8 negative are Senators Akshar, Borrello, Boyle,
9 Gallivan, Griffo, Jordan, Lanza, Martucci,
10 Mattera, Oberacker, O'Mara, Ortt, Palumbo, Rath,
11 Ritchie, Serino, Stec, Tedisco and Weik.

12 Ayes, 44. Nays, 19.

13 ACTING PRESIDENT BAILEY: The bill
14 is passed.

15 THE SECRETARY: Calendar Number
16 1714, Assembly Print Number 10271, by the
17 Assembly Committee on Rules, an act to amend the
18 Private Housing Finance Law.

19 ACTING PRESIDENT BAILEY: Read the
20 last section.

21 THE SECRETARY: Section 2. This
22 act shall take effect immediately.

23 ACTING PRESIDENT BAILEY: Call the
24 roll.

25 (The Secretary called the roll.)

1 ACTING PRESIDENT BAILEY: Announce
2 the results.

3 THE SECRETARY: Ayes, 63.

4 ACTING PRESIDENT BAILEY: The bill
5 is passed.

6 THE SECRETARY: Calendar Number
7 1715, Assembly Print Number 10419, by the
8 Assembly Committee on Rules, an act authorizing
9 the Bais Torah U'tefillah to receive retroactive
10 real property tax exempt status.

11 ACTING PRESIDENT BAILEY: Read the
12 last section.

13 THE SECRETARY: Section 2. This
14 act shall take effect immediately.

15 ACTING PRESIDENT BAILEY: Call the
16 roll.

17 (The Secretary called the roll.)

18 ACTING PRESIDENT BAILEY: Announce
19 the results.

20 THE SECRETARY: In relation to
21 Calendar Number 1750, voting in the negative are
22 Senators Akshar and O'Mara.

23 Ayes, 61. Nays, 2.

24 ACTING PRESIDENT BAILEY: The bill
25 is passed.

1 THE SECRETARY: Calendar Number
2 1716, Assembly Print Number 9442A, by
3 Assemblymember Gottfried, an act to amend the
4 Social Services Law.

5 ACTING PRESIDENT BAILEY: Read the
6 last section.

7 THE SECRETARY: Section 2. This
8 act shall take effect on the 60th day after it
9 shall have become a law.

10 ACTING PRESIDENT BAILEY: Call the
11 roll.

12 (The Secretary called the roll.)

13 ACTING PRESIDENT BAILEY: Announce
14 the results.

15 THE SECRETARY: Ayes, 63.

16 ACTING PRESIDENT BAILEY: The bill
17 is passed.

18 THE SECRETARY: Calendar Number
19 1717, Assembly Print Number 10237, by the
20 Assembly Committee on Rules, an act to amend the
21 Not-For-Profit Corporation Law.

22 ACTING PRESIDENT BAILEY: Read the
23 last section.

24 THE SECRETARY: Section 2. This
25 act shall take effect immediately.

1 ACTING PRESIDENT BAILEY: Call the
2 roll.

3 (The Secretary called the roll.)

4 ACTING PRESIDENT BAILEY: Announce
5 the results.

6 THE SECRETARY: Ayes, 63.

7 ACTING PRESIDENT BAILEY: The bill
8 is passed.

9 THE SECRETARY: Calendar Number
10 1718, Senate Print 9293A, by Senator Gounardes,
11 an act to amend the Civil Rights Law.

12 ACTING PRESIDENT BAILEY: Read the
13 last section.

14 THE SECRETARY: Section 3. This
15 act shall take effect immediately.

16 ACTING PRESIDENT BAILEY: Call the
17 roll.

18 (The Secretary called the roll.)

19 ACTING PRESIDENT BAILEY: Announce
20 the results.

21 THE SECRETARY: Ayes, 63.

22 ACTING PRESIDENT BAILEY: The bill
23 is passed.

24 THE SECRETARY: Calendar Number
25 1721, Senate Print 9327, by Senator Bailey, an

1 act to amend the Retirement and Social Security
2 Law.

3 ACTING PRESIDENT BAILEY: There is
4 a home-rule message at the desk.

5 Read the last section.

6 THE SECRETARY: Section 3. This
7 act shall take effect immediately.

8 ACTING PRESIDENT BAILEY: Call the
9 roll.

10 (The Secretary called the roll.)

11 ACTING PRESIDENT BAILEY: Announce
12 the results.

13 THE SECRETARY: Ayes, 63.

14 ACTING PRESIDENT BAILEY: The bill
15 is passed.

16 THE SECRETARY: Calendar Number
17 1722, Assembly Print Number 9895, by
18 Assemblymember Thiele, an act to amend the
19 Environmental Conservation Law.

20 ACTING PRESIDENT BAILEY: Read the
21 last section.

22 THE SECRETARY: Section 2. This
23 act shall take effect immediately.

24 ACTING PRESIDENT BAILEY: Call the
25 roll.

1 (The Secretary called the roll.)

2 ACTING PRESIDENT BAILEY: Announce
3 the results.

4 THE SECRETARY: In relation to
5 Calendar Number 1722, voting in the negative:
6 Senator Lanza.

7 Ayes, 62. Nays, 1.

8 ACTING PRESIDENT BAILEY: The bill
9 is passed.

10 THE SECRETARY: Calendar Number
11 1731, Senate Print 9418, by Senator Gaughran, an
12 act to amend the Local Finance Law.

13 ACTING PRESIDENT BAILEY: Read the
14 last section.

15 THE SECRETARY: Section 2. This
16 act shall take effect immediately.

17 ACTING PRESIDENT BAILEY: Call the
18 roll.

19 (The Secretary called the roll.)

20 ACTING PRESIDENT BAILEY: Announce
21 the results.

22 THE SECRETARY: Ayes, 63.

23 ACTING PRESIDENT BAILEY: The bill
24 is passed.

25 THE SECRETARY: Calendar Number

1 1793, Assembly Print Number 7805D, by the
2 Assembly Committee on Rules, an act to amend the
3 Public Housing Law and the Administrative Code of
4 the City of New York.

5 ACTING PRESIDENT BAILEY: Read the
6 last section.

7 THE SECRETARY: Section 4. This
8 act shall take effect on the 60th day after it
9 shall have become a law.

10 ACTING PRESIDENT BAILEY: Call the
11 roll.

12 (The Secretary called the roll.)

13 ACTING PRESIDENT BAILEY: Senator
14 Jackson to explain his vote.

15 SENATOR JACKSON: Thank you,
16 Mr. President.

17 I rise to speak in support of
18 Senator Salazar's bill, S9409A, to establish a
19 public housing preservation trust for the
20 New York City Housing Authority, commonly known
21 as NYCHA.

22 For decades our community has
23 debated the best path forward for NYCHA.
24 Conditions have deteriorated. The price tag for
25 urgent capital repairs and operational costs has

1 boomed and continues to boom.

2 It is no secret that the facilities
3 require significant investment for design,
4 development, construction, reconstruction,
5 improvement, modernization, rehabilitation and
6 repair of aging buildings. Access to a secure
7 funding stream that federal subsidies have failed
8 to provide will allow repairs to improve the
9 physical integrity of NYCHA's infrastructure.

10 This legislation would also lead to
11 job creation while addressing core health and
12 safety issues such as mold, lead, heat, pests,
13 elevators -- which are critical to NYCHA's
14 residents' well-being and preserve the permanent
15 affordable character of housing.

16 Let's be clear, Mr. President, that
17 this bill does not -- and I repeat, does not --
18 lead to the privatization of public housing, but
19 it prevents it. And I acknowledge the huge
20 distrust of the agency that residents feel has
21 failed them year after year after year.

22 But today I trust the groups that
23 support this bill, as well as my colleague
24 Senator Salazar, who is an unwavering defender of
25 public and affordable housing. Relief for tens

1 of thousands of tenants cannot wait. I believe
2 strongly in self-determination. This bill
3 includes the ability for NYCHA residents to opt
4 into the trust. And it's up to the legislators,
5 housing advocates and agency to ensure all
6 residents know how to make the best-informed
7 decisions for their housing development.

8 Finally, if the residents want to
9 opt in, notice must be provided by way -- in
10 advance, via mail, email, phone call and building
11 postings, with the opportunity to vote virtually.
12 That is what I call democracy.

13 For these reasons, I'm a proud
14 cosponsor. I vote aye and urge my colleagues to
15 do the same. Thank you, Mr. President.

16 ACTING PRESIDENT BAILEY: Senator
17 Jackson to be recorded in the affirmative.

18 Senator Rivera to explain his vote.

19 SENATOR RIVERA: Thank you,
20 Mr. President.

21 Now, while there are no perfect
22 solutions, I think that when we talk about the
23 New York City Housing Authority, we might be
24 talking about something that's very close to a
25 perfect problem. Billions of dollars -- not

1 millions, but billions of dollars lacking from
2 the federal government; mismanagement at the
3 local level, repairs not done on time. Over and
4 over again, public housing tenants -- thousands
5 of which live in my district -- are stricken by
6 these problems.

7 And so we have to look for a
8 solution. Is the preservation trust before us a
9 perfect solution? No, sir, Mr. President, it is
10 not. But there are some things that it does
11 create that need to be underlined, and my
12 colleague Senator Jackson spoke about some of
13 them.

14 First of all, it is not
15 privatization. As a matter of fact, if we look
16 at the way that over the last couple of years --
17 certainly in my district, for example, just this
18 year alone, 1800 NYCHA units are in the process
19 of being transformed by a so-called RAD Pact
20 without barely any notice. It is a
21 private-public partnership, but one in which the
22 tenants have little to no input.

23 So the bill before us is, as I said,
24 certainly not a perfect solution, but one that I
25 think provides both choice and input from the

1 tenants, provides an opportunity for them to vote
2 and participate in the process. Now, make no
3 mistake, Mr. President, again, this is not a
4 perfect solution, and we will keep very, very
5 close tabs if we are successful in creating this.
6 This is not a private entity, it is a public
7 entity. And since we do not have billions of
8 dollars that will come to us from the federal
9 government, I believe that this is the way to go
10 forward.

11 But once again, and finally, we will
12 keep very close track. The tenants and their
13 involvement in this process -- their opting in,
14 as my colleague said, is the most essential part.
15 Without that, this would not function.

16 So it is why I'm supporting this. I
17 thank the leader for bringing it to us. And I
18 thank Senator Salazar for leading on this.

19 Thank you, Mr. President. I vote in
20 the affirmative.

21 ACTING PRESIDENT BAILEY: Senator
22 Rivera to be recorded in the affirmative.

23 Senator Savino to explain her vote.

24 SENATOR SAVINO: Thank you,
25 Mr. President.

1 I rise in support of this bill. And
2 I want to commend Senator Salazar for being
3 courageous enough to tackle this issue. Do
4 you -- sir?

5 Being courageous enough to tackle
6 this issue. I told her yesterday that I was just
7 a little younger than her when I first went to
8 work -- are you trying to tell me something? Oh.
9 I was just a little younger than her when I went
10 to work for the City of New York in 1990, as a
11 caseworker in the city's Child Welfare
12 Administration. In the vast majority of cases
13 that I dealt with at the time, the families were
14 residing in NYCHA developments.

15 The conditions were deplorable then,
16 and then a few years later I went to work for the
17 union that represented many of the workers who
18 worked in NYCHA. They were deplorable then. Ten
19 years later, I got elected to the New York State
20 Senate and I wound up representing a district
21 that had 14 developments in Coney Island and six
22 in Staten Island that I represent. They were
23 deplorable then. And they've only continued to
24 get worse and worse with each passing year.

25 And we've heard over and over that

1 if we just had more money from Washington, if we
2 just had this bailout, if we just had that -- and
3 it never came. And the conditions continue to
4 deteriorate for the people who live there.

5 In 2012, after Hurricane Sandy, the
6 people of Coney Island and Staten Island were
7 devastated. And other parts of the city as well,
8 in the Rockaways. And one of the things we
9 worked on was tackling the issue of mold
10 remediation, because we saw people were going
11 around selling themselves as mold remediation
12 specialists to affected homeowners. And the
13 Legislature decided that we needed to create a
14 licensing standard for mold remediation
15 specialists so that homeowners would not get
16 taken advantage of.

17 We negotiated that bill at the ninth
18 hour -- at midnight, I should say, the 11th hour,
19 at midnight on December 31st. The New York City
20 Housing Authority insisted on being carved out of
21 that bill. They did not want to be required to
22 live up to the standards that we were going to
23 require of every other property owner in the
24 State of New York. They promised that they were
25 going to develop their own standard for mold

1 remediation. To date, they have not done it.

2 Those of you who represent NYCHA
3 developments, you know the conditions there. You
4 know the number of people that have been affected
5 by mold. I had a tenant leader in South Beach
6 Houses, Scherisce Lewis. She recently died
7 because she was affected by mold poisoning, in
8 addition to the kidney disease that she suffered
9 from.

10 So is this the perfect solution? I
11 don't know if there is one. But I know that
12 tenants are concerned because they're afraid of
13 privatization. This is not privatization.
14 Because here's one thing I know about Julia
15 Salazar. She would never allow privatization of
16 public housing, never.

17 But this is a plan that will finally
18 begin to turn this agency around. It was
19 deplorable in 1990, it was deplorable in 2010,
20 deplorable in 2020. But God willing, it will not
21 be deplorable in 2025.

22 Thank you to Senator Salazar and to
23 everyone who will support this bill. I proudly
24 vote in favor of it.

25 Thank you, Mr. President.

1 ACTING PRESIDENT BAILEY: Senator
2 Savino to be recorded in the affirmative.

3 Announce the results.

4 THE SECRETARY: In relation to
5 Calendar 1793, those Senators voting in the
6 negative are Senators Akshar, Borrello, Boyle,
7 Brisport, Cleare, Gallivan, Gianaris, Griffio,
8 Helming, Jordan, Kavanagh, Martucci, Mattera,
9 Oberacker, O'Mara, Ortt, Palumbo, Rath, Ritchie,
10 Sanders, Serino, Serrano, Stec, Tedisco and Weik.

11 Ayes, 38. Nays, 25.

12 ACTING PRESIDENT BAILEY: The bill
13 is passed.

14 THE SECRETARY: Calendar Number
15 1835, Assembly Print Number 8427, by
16 Assemblymember Galef, an act to amend the
17 Real Property Tax Law.

18 SENATOR WEIK: Lay it aside.

19 ACTING PRESIDENT BAILEY: Lay it
20 aside.

21 Senator Gianaris, that completes the
22 reading of today's calendar.

23 SENATOR GIANARIS: Now take up the
24 supplemental calendar, please.

25 ACTING PRESIDENT BAILEY: Senator

1 Gianaris.

2 SENATOR GIANARIS: My apologies,
3 Mr. President. I believe there's first a report
4 of the Rules Committee at the desk. Can we take
5 that up first.

6 ACTING PRESIDENT BAILEY: The
7 Secretary will read.

8 THE SECRETARY: Senator
9 Stewart-Cousins, from the Committee on Rules,
10 reports the following bills:

11 Senate Print 67A, by
12 Senator Hoylman, an act to amend the
13 Public Health Law;

14 Senate Print 89B, by
15 Senator Kaminsky, an act to amend the Penal Law;

16 Senate Print 145B, by
17 Senator Thomas, an act to amend the
18 General Business Law;

19 Senate Print 772A, by
20 Senator Kaminsky, an act to amend the
21 Executive Law;

22 Senate Print 2091C, by
23 Senator Jordan, an act to amend the Military Law;

24 Senate Print 4116A, by
25 Senator Hoylman, an act to amend the Penal Law;

1 Senate Print 4436, by Senator May,
2 an act to amend the General Municipal Law;

3 Senate Print 4970A, by
4 Senator Kavanagh, an act to amend the
5 Executive Law;

6 Senate Print 6022B, by
7 Senator Hoylman, an act to amend the
8 Retirement and Social Security Law;

9 Senate Print 7046, by
10 Senator O'Mara, an act to amend the
11 Criminal Procedure Law;

12 Senate Print 7141, by
13 Senator Addabbo, an act to establish a commission
14 to be known as the "New York Seawall Study
15 Commission";

16 Senate Print 7532, by Senator May,
17 an act to amend the Tax Law;

18 Senate Print 7572A, by
19 Senator Mannion, an act to amend the
20 Executive Law and the State Technology Law;

21 Senate Print 7915, by
22 Senator Martucci, an act in relation to
23 permitting certain municipalities to receive
24 reimbursement from the state for law enforcement
25 activities;

1 Senate Print 8291A, by
2 Senator Brouk, an act to amend the
3 Environmental Conservation Law;

4 Senate Print 8378C, by
5 Senator Harckham, an act to amend the
6 Environmental Conservation Law;

7 Senate Print 8443, by
8 Senator Akshar, an act to authorize the County of
9 Broome to offer an optional 20-year retirement
10 plan to Joshua Quinn;

11 Senate Print 8559, by
12 Senator Gounardes, an act to amend the
13 Retirement and Social Security Law;

14 Senate Print 8863, by
15 Senator Mattera, an act in relation to
16 authorizing the assessor of the Town of
17 Brookhaven, County of Suffolk, to accept an
18 application for a real property tax exemption;

19 Senate Print 8910A, by
20 Senator Helming, an act to amend the
21 Real Property Tax Law;

22 Senate Print 8996, by
23 Senator Skoufis, an act to amend the Tax Law;

24 Senate Print 9016, by
25 Senator Addabbo, an act to amend the Racing,

1 Pari-Mutuel Wagering and Breeding Law;

2 Senate Print 9032B, by
3 Senator Kavanagh, an act to amend the
4 Real Property Tax Law;

5 Senate Print 9113A, by
6 Senator Skoufis, an act to amend the
7 Civil Practice Law and Rules;

8 Senate Print 9229A, by
9 Senator Hoylman, an act to amend the Penal Law;

10 Senate Print 9230, by
11 Senator Hoylman, an act to amend the
12 Real Property Actions and Proceedings Law;

13 Senate Print 9346, by
14 Senator Mannion, an act granting retroactive
15 membership with Tier IV status in the New York
16 State Teachers' Retirement System to
17 Peter Guarino;

18 Senate Print 9407B, by
19 Senator Kavanagh, an act to amend the Penal Law,
20 the General Business Law and the Executive Law;

21 Senate Print 9447, by
22 Senator Skoufis, an act to amend the Penal Law;

23 Senate Print 9454, by
24 Senator Krueger, an act to amend the
25 Administrative Code of the City of New York;

1 Senate Print 9456, by
2 Senator Sepúlveda, an act to amend the Penal Law;
3 Senate Print 9458, by
4 Senator Thomas, an act to amend the Penal Law;
5 Senate Print 9459, by Senator Liu,
6 an act to amend the Education Law;
7 Senate Print 9460, by Senator Liu,
8 an act to amend the Education Law;
9 Senate Print 9461, by
10 Senator Skoufis, an act to amend the Arts and
11 Cultural Affairs Law;
12 Senate Print 9462, by
13 Senator Kavanagh, an act establishing the
14 special joint legislative commission on
15 affordable housing;
16 Senate Print 9463, by
17 Senator Jackson, an act to amend the
18 Civil Service Law;
19 Senate Print 9464A, by
20 Senator Krueger, an act to amend Chapter 53 of
21 the Laws of 2022;
22 Senate Print 9465, by
23 Senator Bailey, an act to amend the
24 Executive Law;
25 Senate Print 9466, by

1 Senator Hoylman, an act to amend the
2 Judiciary Law and the Family Court Act;

3 Senate Print 9467, by
4 Senator Cooney, an act to amend the
5 Economic Development Law;

6 Senate Print 9470, by
7 Senator Cooney, an act to amend the Real Property
8 Actions and Proceedings Law.

9 All bills reported direct to third
10 reading.

11 SENATOR GIANARIS: Move to accept
12 the report of the Rules Committee.

13 ACTING PRESIDENT BAILEY: All in
14 favor of accepting the report of the
15 Rules Committee, signify by saying aye.

16 (Response of "Aye.")

17 ACTING PRESIDENT BAILEY: Opposed,
18 nay.

19 (No response.)

20 ACTING PRESIDENT BAILEY: The
21 Rules Committee report is accepted.

22 Senator Gianaris.

23 SENATOR GIANARIS: Mr. President,
24 can we return to messages from the Assembly,
25 please.

1 ACTING PRESIDENT BAILEY: Messages
2 from the Assembly.

3 The Secretary will read.

4 THE SECRETARY: Senator Hoylman
5 moves to discharge, from the Committee on Health,
6 Assembly Bill Number 3298A and substitute it for
7 the identical Senate Bill 67A, Third Reading
8 Calendar 1832.

9 Senator Thomas moves to discharge,
10 from the Committee on Consumer Protection,
11 Assembly Bill Number 266A and substitute it for
12 the identical Senate Bill 145B, Third Reading
13 Calendar 1846.

14 Senator Jordan moves to discharge,
15 from the Committee on Finance, Assembly Bill
16 Number 1310B and substitute it for the identical
17 Senate Bill 2091C, Third Reading Calendar 1848.

18 Senator Hoylman moves to discharge,
19 from the Committee on Codes, Assembly Bill
20 Number 7926A and substitute it for the identical
21 Senate Bill 4116A, Third Reading Calendar 1849.

22 Senator Hoylman moves to discharge,
23 from the Committee on Civil Service and Pensions,
24 Assembly Bill Number 5278B and substitute it for
25 the identical Senate Bill 6022B, Third Reading

1 Calendar 1852.

2 Senator O'Mara moves to discharge,
3 from the Committee on Codes, Assembly Bill
4 Number 7968 and substitute it for the identical
5 Senate Bill 7046, Third Reading Calendar 1853.

6 Senator Addabbo moves to discharge,
7 from the Committee on Finance, Assembly Bill
8 Number 5557 and substitute it for the identical
9 Senate Bill 7141, Third Reading Calendar 1854.

10 Senator May moves to discharge, from
11 the Committee on Investigations and Government
12 Operations, Assembly Bill Number 8334 and
13 substitute it for the identical Senate Bill 7532,
14 Third Reading Calendar 1855.

15 Senator Mannion moves to discharge,
16 from the Committee on Internet and Technology,
17 Assembly Bill Number 8453A and substitute it for
18 the identical Senate Bill 7572A, Third Reading
19 Calendar 1856.

20 Senator Brouk moves to discharge,
21 from the Committee on Environmental Conservation,
22 Assembly Bill Number 8630A and substitute it for
23 the identical Senate Bill 8291A, Third Reading
24 Calendar 1858.

25 Senator Akshar moves to discharge,

1 from the Committee on Civil Service and Pensions,
2 Assembly Bill Number 9437 and substitute it for
3 the identical Senate Bill 8443, Third Reading
4 Calendar 1860.

5 Senator Mattera moves to discharge,
6 from the Committee on Local Government,
7 Assembly Bill Number 9773 and substitute it for
8 the identical Senate Bill 8863, Third Reading
9 Calendar 1863.

10 Senator Skoufis moves to discharge,
11 from the Committee on Investigations and
12 Government Operations, Assembly Bill Number 10205
13 and substitute it for the identical Senate Bill
14 8996, Third Reading Calendar 1865.

15 Senator Addabbo moves to discharge,
16 from the Committee on Racing, Gaming and
17 Wagering, Assembly Bill Number 10028 and
18 substitute it for the identical Senate Bill 9016,
19 Third Reading Calendar 1866.

20 Senator Skoufis moves to discharge,
21 from the Committee on Codes, Assembly Bill
22 Number 7079C and substitute it for the identical
23 Senate Bill 9447, Third Reading Calendar 1873.

24 ACTING PRESIDENT BAILEY: So
25 ordered.

1 SENATOR GIANARIS: Mr. President,
2 now take up the supplemental calendar.

3 ACTING PRESIDENT BAILEY: The
4 Secretary will read.

5 THE SECRETARY: Calendar Number
6 1832, Assembly Print Number 3298A, by
7 Assemblymember Epstein, an act to amend the
8 Public Health Law.

9 ACTING PRESIDENT BAILEY: Read the
10 last section.

11 THE SECRETARY: Section 2. This
12 act shall take effect immediately.

13 ACTING PRESIDENT BAILEY: Call the
14 roll.

15 (The Secretary called the roll.)

16 ACTING PRESIDENT BAILEY: Senator
17 Hoylman to explain his vote.

18 SENATOR HOYLMAN: Thank you,
19 Mr. President.

20 This bill will make our constituents
21 safer by providing patients at risk of what's
22 called Sudden Unexpected Death in Epilepsy, also
23 know as SUDEP, with information about this
24 condition.

25 Transparency, especially relating to

1 our health, is absolutely critical for patients
2 and their loved ones. Patients deserve to
3 understand the risks associated with their
4 conditions, of course, and this bill ensures that
5 people with epilepsy are more fully informed.

6 According to CDC, SUDEP causes
7 mortality at an annual rate of 1.16 cases for
8 every thousand people with epilepsy. Currently
9 SUDEP isn't widely discussed between doctors and
10 their patients, even when the patient might be at
11 high risk. The best way to prevent SUDEP is to
12 reduce the number of seizures suffered by a
13 person with epilepsy as much as possible.

14 To reduce seizures, a person with
15 epilepsy needs to know their triggers for
16 seizures, take their medicine on time, and know
17 the risk factors for SUDEP to better understand
18 and plan for the future.

19 This legislation would require
20 healthcare practitioners to provide patients
21 they're treating for epilepsy that have an
22 elevated risk for SUDEP with current and
23 evidence-based information about SUDEP, and to
24 connect them with nonprofit organizations that
25 can offer further assistance and support.

1 It will also require the Department
2 of Health to provide information to healthcare
3 practitioners to assist with compliance and to
4 post such information on their website.

5 I want to thank the Medical Society
6 and the Neurological Society for working with us
7 on this bill. Of course we wouldn't be here
8 without my Assembly colleague, Harvey Epstein,
9 who's passed this legislation already and has
10 successfully shepherded it in the other house.

11 And thank you to our Majority
12 Leader, Andrea Stewart-Cousins, for bringing this
13 bill to the floor today.

14 Lastly, Mr. President, I want to
15 thank Tim and Alexis Gembka for their dogged
16 advocacy. And by "dogged," I mean they called me
17 two or three times a week, sometimes two or three
18 times a day. Their daughter Natasha tragically
19 died from SUDEP at the age of 24. Her death
20 might have been avoided if she and her family had
21 been made aware of the existence and risks of
22 SUDEP. So we have named this bill, in her honor,
23 the Natasha Gembka SUDEP Awareness Act.

24 I vote aye, Mr. President.

25 ACTING PRESIDENT BAILEY: Senator

1 Hoylman to be recorded in the affirmative.

2 Senator Kaminsky to explain his
3 vote.

4 SENATOR KAMINSKY: Thank you. I
5 really want to thank Senator Hoylman for this
6 bill.

7 A young 10-year-old boy in my
8 district, Lazar LaPenna from Long Beach, a
9 Little Leaguer, died of an epileptic seizure
10 rounding first base a few weeks back. It's
11 rocked our community. It's been a very difficult
12 time, and the community is looking for answers.
13 Legislation like this in the future will make a
14 big difference.

15 I vote in the affirmative. Thank
16 you.

17 ACTING PRESIDENT BAILEY: Senator
18 Kaminsky to be recorded in the affirmative.

19 Announce the results.

20 THE SECRETARY: In relation to
21 Calendar 1832, those Senators voting in the
22 negative are Senators Borrello, Ortt, Serino and
23 Stec.

24 Ayes, 59. Nays, 4.

25 ACTING PRESIDENT BAILEY: The bill

1 is passed.

2 THE SECRETARY: Calendar Number
3 1845, Senate Print 89B, by Senator Kaminsky, an
4 act to amend the Penal Law.

5 SENATOR WEIK: Lay it aside.

6 ACTING PRESIDENT BAILEY: Lay it
7 aside.

8 THE SECRETARY: Calendar Number
9 1846, Assembly Bill Number 266A, by
10 Assemblymember Paulin, an act to amend the
11 General Business Law.

12 ACTING PRESIDENT BAILEY: Read the
13 last section.

14 THE SECRETARY: Section 2. This
15 act shall take effect on the 180th day after it
16 shall have become a law.

17 ACTING PRESIDENT BAILEY: Call the
18 roll.

19 (The Secretary called the roll.)

20 ACTING PRESIDENT BAILEY: Announce
21 the results.

22 THE SECRETARY: In relation to
23 Calendar 1846, those Senators voting in the
24 negative are Senators Gallivan, Helming and
25 Oberacker.

1 Ayes, 60. Nays, 3.

2 ACTING PRESIDENT BAILEY: The bill
3 is passed.

4 THE SECRETARY: Calendar Number
5 1847, Senate Print 772A, by Senator Kaminsky, an
6 act to amend the Executive Law.

7 ACTING PRESIDENT BAILEY: Read the
8 last section.

9 THE SECRETARY: Section 3. This
10 act shall take effect on the 90th day after it
11 shall have become a law.

12 ACTING PRESIDENT BAILEY: Call the
13 roll.

14 (The Secretary called the roll.)

15 ACTING PRESIDENT BAILEY: Announce
16 the results.

17 THE SECRETARY: Ayes, 63.

18 ACTING PRESIDENT BAILEY: The bill
19 is passed.

20 THE SECRETARY: Calendar Number
21 1848, Assembly Print Number 1310B, by
22 Assemblymember Magnarelli, an act to amend the
23 Military Law.

24 ACTING PRESIDENT BAILEY: Read the
25 last section.

1 THE SECRETARY: Section 3. This
2 act shall take effect on the 120th day after it
3 shall have become a law.

4 ACTING PRESIDENT BAILEY: Call the
5 roll.

6 (The Secretary called the roll.)

7 ACTING PRESIDENT BAILEY: Announce
8 the results.

9 THE SECRETARY: In relation to
10 Calendar Number 1848, voting in the negative:
11 Senator Brisport.

12 Ayes, 62. Nays, 1.

13 ACTING PRESIDENT BAILEY: The bill
14 is passed.

15 THE SECRETARY: Calendar Number
16 1849, Assembly Print Number 7926A, by
17 Assemblymember Rosenthal, an act to amend the
18 Penal Law.

19 SENATOR WEIK: Lay it aside.

20 ACTING PRESIDENT BAILEY: Lay it
21 aside.

22 THE SECRETARY: Calendar Number
23 1850, Senate Print 4436, by Senator May, an act
24 to amend the General Municipal Law.

25 ACTING PRESIDENT BAILEY: Read the

1 last section.

2 SENATOR GIANARIS: Lay it aside for
3 the day, please.

4 ACTING PRESIDENT BAILEY: Lay the
5 bill aside for the day.

6 THE SECRETARY: Calendar Number
7 1851, Senate Print 4970A, by Senator Kavanagh, an
8 act to amend the Executive Law.

9 ACTING PRESIDENT BAILEY: Read the
10 last section.

11 THE SECRETARY: Section 5. This
12 act shall take effect on the 180th day after it
13 shall have become a law.

14 ACTING PRESIDENT BAILEY: Call the
15 roll.

16 (The Secretary called the roll.)

17 ACTING PRESIDENT BAILEY: Announce
18 the results.

19 THE SECRETARY: In relation to
20 Calendar Number 1851, those Senators voting in
21 the negative are Senators Akshar, Borrello,
22 Boyle, Gallivan, Griffio, Helming, Jordan, Lanza,
23 Martucci, Mattera, Oberacker, O'Mara, Ortt,
24 Palumbo, Ritchie, Stec and Tedisco.

25 Ayes, 46. Nays, 17.

1 ACTING PRESIDENT BAILEY: The bill
2 is passed.

3 THE SECRETARY: Calendar Number
4 1852, Assembly Print Number 5278B, by
5 Assemblymember Barrett, an act to amend the
6 Retirement and Social Security Law.

7 ACTING PRESIDENT BAILEY: Read the
8 last section.

9 THE SECRETARY: Section 2. This
10 act shall take effect immediately.

11 ACTING PRESIDENT BAILEY: Call the
12 roll.

13 (The Secretary called the roll.)

14 ACTING PRESIDENT BAILEY: Senator
15 Hoylman to explain his vote.

16 SENATOR HOYLMAN: Thank you,
17 Mr. President.

18 This bill is going to continue to
19 bring justice to veterans who served our country
20 but were less than honorably discharged due to
21 who they are, by allowing those LGBTQ+ veterans
22 to participate in the state's military buy-back
23 program for retirement and pension benefits.

24 Under -- until the end of "don't
25 ask, don't tell" we punished people who were

1 willing to risk their lives for our country
2 simply because of their sexual orientation, which
3 put many LGBTQ+ veterans out of a job and drove
4 others to hide their identities.

5 This is honestly the least we can do
6 to right the wrongs our military and federal
7 government perpetrated against those that simply
8 wanted to serve.

9 In our retirement system, public
10 employees can purchase up to three years of
11 retirement service in exchange for military
12 service. This opportunity is available for
13 eligible veterans who were honorably discharged,
14 however. Discharged LGBTQ+ veterans were
15 discharged less than honorably due to their
16 sexual orientation or gender identity or
17 expression, and thus barred from this retirement
18 benefit.

19 This bill extends existing
20 opportunities to buy back military time to vets
21 who were released from military service due to
22 their being a member of the LGBTQ+ community or
23 suffering from certain conditions such as
24 diagnosis of post-traumatic stress disorder,
25 traumatic brain injury made by or experienced due

1 to military sexual trauma. We have wronged our
2 LGBTQ+ veterans for too long, and this bill is
3 going to help repair the damage.

4 I want to thank Majority Leader
5 Andrea Stewart-Cousins for helping bring this
6 bill to the floor, Assemblymember Didi Barrett
7 for passing it in the other house, and our
8 Vets chair, John Brooks, for his support and
9 guidance through this process.

10 I vote aye, Mr. President.

11 ACTING PRESIDENT BAILEY: Senator
12 Hoylman to be recorded in the affirmative.

13 Announce the results.

14 THE SECRETARY: Ayes, 63.

15 ACTING PRESIDENT BAILEY: The bill
16 is passed.

17 THE SECRETARY: Calendar Number
18 1853, Assembly Print Number 7968, by the
19 Assembly Committee on Rules, an act to amend the
20 Criminal Procedure Law.

21 ACTING PRESIDENT BAILEY: Read the
22 last section.

23 THE SECRETARY: Section 2. This
24 act shall take effect immediately.

25 ACTING PRESIDENT BAILEY: Call the

1 roll.

2 (The Secretary called the roll.)

3 ACTING PRESIDENT BAILEY: Announce
4 the results.

5 THE SECRETARY: Ayes, 63.

6 ACTING PRESIDENT BAILEY: The bill
7 is passed.

8 THE SECRETARY: Calendar Number
9 1854, Assembly Print Number 5557, by
10 Assemblymember Barnwell, an act to establish a
11 commission to be known as the "New York Seawall
12 Study Commission."

13 ACTING PRESIDENT BAILEY: Read the
14 last section.

15 THE SECRETARY: Section 2. This
16 act shall take effect immediately.

17 ACTING PRESIDENT BAILEY: Call the
18 roll.

19 (The Secretary called the roll.)

20 ACTING PRESIDENT BAILEY: Announce
21 the results.

22 THE SECRETARY: Ayes, 63.

23 ACTING PRESIDENT BAILEY: The bill
24 is passed.

25 THE SECRETARY: Calendar Number

1 1855, Assembly Print Number 8334, by
2 Assemblymember Salka, an act to amend the
3 Tax Law.

4 ACTING PRESIDENT BAILEY: There is
5 a home-rule message at the desk.

6 Read the last section.

7 THE SECRETARY: Section 2. This
8 act shall take effect immediately.

9 ACTING PRESIDENT BAILEY: Call the
10 roll.

11 (The Secretary called the roll.)

12 ACTING PRESIDENT BAILEY: Announce
13 the results.

14 THE SECRETARY: In relation to
15 Calendar Number 1855, those Senators voting in
16 the negative are Senators Akshar, Brooks, Felder,
17 Gallivan, Gaughran, Harckham, Helming, Hinchey,
18 Jordan, Kaplan, Kennedy, Lanza, Mannion,
19 Martucci, Mattera, Oberacker, O'Mara, Ortt,
20 Palumbo, Rath, Serino, Skoufis, Tedisco, Thomas
21 and Weik.

22 Ayes, 38. Nays, 25.

23 ACTING PRESIDENT BAILEY: The bill
24 is passed.

25 THE SECRETARY: Calendar Number

1 1856, Assembly Print Number 8453A, by
2 Assemblymember Simon, an act to amend the
3 Executive Law and the State Technology Law.

4 ACTING PRESIDENT BAILEY: Read the
5 last section.

6 THE SECRETARY: Section 3. This
7 act shall take effect on the 180th day after it
8 shall have become a law.

9 ACTING PRESIDENT BAILEY: Call the
10 roll.

11 (The Secretary called the roll.)

12 ACTING PRESIDENT BAILEY: Announce
13 the results.

14 THE SECRETARY: Ayes, 63.

15 ACTING PRESIDENT BAILEY: The bill
16 is passed.

17 THE SECRETARY: Calendar Number
18 1857, Senate Print 7915, by Senator Martucci, an
19 act in relation to permitting certain
20 municipalities to receive reimbursement from the
21 state for law enforcement activities.

22 ACTING PRESIDENT BAILEY: Read the
23 last section.

24 THE SECRETARY: Section 2. This
25 act shall take effect immediately.

1 ACTING PRESIDENT BAILEY: Call the
2 roll.

3 (The Secretary called the roll.)

4 ACTING PRESIDENT BAILEY: Senator
5 Martucci to explain his vote.

6 SENATOR MARTUCCI: Thank you,
7 Mr. President.

8 Today is a good day for several
9 communities across our state, but in particular
10 it's a good day for the community of
11 Greenwood Lake.

12 The reason this bill is on the floor
13 here today, I have to personally thank
14 Mayor Jesse Dwyer from the beautiful Village of
15 Greenwood Lake, who brought this issue to my
16 attention.

17 Greenwood Lake is in the Town of
18 Warwick, and this bill will provide access to
19 funding for police patrols on Greenwood Lake for
20 their municipal police department. This is
21 important to help keep the lake safe, keep it
22 clean for both residents and visitors alike.

23 So I do want to take this moment and
24 thank my colleagues for their support of this
25 bill. I want to thank Mayor Dwyer for bringing

1 this important bill to my attention.

2 And I want to also pause and invite
3 my colleagues to come visit the beautiful,
4 beautiful Greenwood Lake, as we sit here on the
5 verge of our summer break. It's a great
6 destination, and I hope to see you all there.

7 I proudly vote aye. Thank you,
8 Mr. President.

9 ACTING PRESIDENT BAILEY: Senator
10 Martucci to be recorded in the affirmative.

11 Announce the results.

12 THE SECRETARY: In relation to
13 Calendar Number 1857, voting in the negative:
14 Senator Brisport.

15 Ayes, 62. Nays, 1.

16 ACTING PRESIDENT BAILEY: The bill
17 is passed.

18 THE SECRETARY: Calendar Number
19 1858, Assembly Bill Number 8630A, by
20 Assemblymember Reyes, an act to amend the
21 Environmental Conservation Law.

22 ACTING PRESIDENT BAILEY: Read the
23 last section.

24 THE SECRETARY: Section 2. This
25 act shall take effect June 1, 2023.

1 ACTING PRESIDENT BAILEY: Call the
2 roll.

3 (The Secretary called the roll.)

4 ACTING PRESIDENT BAILEY: Announce
5 the results.

6 THE SECRETARY: Ayes, 63.

7 ACTING PRESIDENT BAILEY: The bill
8 is passed.

9 THE SECRETARY: Calendar Number
10 1859, Senate Print 8378C, by Senator Harckham, an
11 act to amend the Environmental Conservation Law.

12 ACTING PRESIDENT BAILEY: Read the
13 last section.

14 THE SECRETARY: Section 2. This
15 act shall take effect on the 90th day after it
16 shall have become a law.

17 ACTING PRESIDENT BAILEY: Call the
18 roll.

19 (The Secretary called the roll.)

20 ACTING PRESIDENT BAILEY: Announce
21 the results.

22 THE SECRETARY: In relation to
23 Calendar 1859, those Senators voting in the
24 negative are Senators Akshar, Borrello, Gallivan,
25 Griffo, Helming, Oberacker, O'Mara, Ortt,

1 Ritchie, Serino, Stec and Tedisco.

2 Ayes, 51. Nays, 12.

3 ACTING PRESIDENT BAILEY: The bill
4 is passed.

5 THE SECRETARY: Calendar Number
6 1860, Assembly Print Number 9437, by
7 Assemblymember Lupardo, an act to authorize the
8 County of Broome to offer an optional 20-year
9 retirement plan to Joshua Quinn.

10 ACTING PRESIDENT BAILEY: There is
11 a home-rule message at the desk.

12 Read the last section.

13 THE SECRETARY: Section 2. This
14 act shall take effect immediately.

15 ACTING PRESIDENT BAILEY: Call the
16 roll.

17 (The Secretary called the roll.)

18 ACTING PRESIDENT BAILEY: Announce
19 the results.

20 THE SECRETARY: In relation to
21 Calendar Number 1860, voting in the negative:
22 Senator Brisport.

23 Ayes, 62. Nays, 1.

24 ACTING PRESIDENT BAILEY: The bill
25 is passed.

1 THE SECRETARY: Calendar Number
2 1861, Senate Print 8559, by Senator Gounardes, an
3 act to amend the Retirement and Social Security
4 Law.

5 ACTING PRESIDENT BAILEY: Read the
6 last section.

7 THE SECRETARY: Section 2. This
8 act shall take effect immediately.

9 ACTING PRESIDENT BAILEY: Call the
10 roll.

11 (The Secretary called the roll.)

12 ACTING PRESIDENT BAILEY: Announce
13 the results.

14 THE SECRETARY: In relation to
15 Calendar Number 1861, voting in the negative:
16 Senator Brisport.

17 Ayes, 62. Nays, 1.

18 ACTING PRESIDENT BAILEY: The bill
19 is passed.

20 THE SECRETARY: Calendar Number
21 1863, Assembly Print Number 9773, by
22 Assemblymember Smith, an act in relation to
23 authorizing the assessor of the Town of
24 Brookhaven, County of Suffolk, to accept an
25 application for a real property tax exemption.

1 ACTING PRESIDENT BAILEY: Read the
2 last section.

3 THE SECRETARY: Section 2. This
4 act shall take effect immediately.

5 ACTING PRESIDENT BAILEY: Call the
6 roll.

7 (The Secretary called the roll.)

8 ACTING PRESIDENT BAILEY: Announce
9 the results.

10 THE SECRETARY: In relation to
11 Calendar Number 1863, voting in the negative are
12 Senators Akshar and O'Mara.

13 Ayes, 61. Nays, 2.

14 ACTING PRESIDENT BAILEY: The bill
15 is passed.

16 THE SECRETARY: Calendar Number
17 1864, Senate Print 8910A, by Senator Helming, an
18 act to amend the Real Property Tax Law.

19 ACTING PRESIDENT BAILEY: There is
20 a home-rule message at the desk.

21 Read the last section.

22 THE SECRETARY: Section 2. This
23 act shall take effect on the first of January.

24 ACTING PRESIDENT BAILEY: Call the
25 roll.

1 (The Secretary called the roll.)

2 ACTING PRESIDENT BAILEY: Announce
3 the results.

4 THE SECRETARY: In relation to
5 Calendar Number 1864, voting in the negative:
6 Senator Akshar.

7 Ayes, 62. Nays, 1.

8 ACTING PRESIDENT BAILEY: The bill
9 is passed.

10 THE SECRETARY: Calendar Number
11 1865, Assembly Print Number 10205, by the
12 Assembly Committee on Rules, an act to amend the
13 Tax Law.

14 ACTING PRESIDENT BAILEY: There is
15 a home-rule message at the desk.

16 Read the last section.

17 THE SECRETARY: Section 2. This
18 act shall take effect immediately.

19 ACTING PRESIDENT BAILEY: Call the
20 roll.

21 (The Secretary called the roll.)

22 ACTING PRESIDENT BAILEY: Announce
23 the results.

24 THE SECRETARY: In relation to
25 Calendar 1865, those Senators voting in the

1 negative are Senators Akshar, Brooks, Felder,
2 Gallivan, Gaughran, Griffo, Harckham, Helming,
3 Hinchey, Jordan, Kaplan, Kennedy, Lanza, Mannion,
4 Martucci, Mattera, Oberacker, O'Mara, Ortt,
5 Palumbo, Rath, Ritchie, Serino, Stec, Tedisco,
6 Thomas and Weik.

7 Ayes, 36. Nays, 27.

8 ACTING PRESIDENT BAILEY: The bill
9 is passed.

10 Senator Gianaris.

11 SENATOR GIANARIS: Thank you,
12 Mr. President.

13 By agreement with the Minority,
14 we're going to allow Senator Ramos to speak on a
15 bill that we previously passed and she did not
16 have the opportunity to explain her vote on.

17 So Calendar 1681, please recognize
18 Senator Ramos to explain her vote on that bill.

19 ACTING PRESIDENT BAILEY: Senator
20 Ramos to explain her vote on Calendar 1681.

21 SENATOR RAMOS: Thank you,
22 Mr. President.

23 In 2020 reports were published
24 concerning a commuter rail train conductor who
25 miscarried at six months due to the strenuous

1 work required of her in the train yard. The
2 worker described her water breaking after pulling
3 a train switch and being afraid to leave her
4 shift.

5 Subsequent incidents of similar
6 tragedies experienced by Metro-North employees
7 raised the alarm, evidence that this is a pattern
8 for commuter rail workers. Train yard work --
9 manually moving heavy train switches, climbing
10 over tough terrain -- is extremely strenuous, but
11 it's not one where reasonable accommodations are
12 impossible to organize.

13 And that's why with this bill we're
14 establishing a light-work-duty requirement for
15 pregnant workers of commuter rail services.
16 Because without this bill, workers have to go
17 through a heavy administrative process where they
18 somehow have to prove that they need
19 accommodations, and meanwhile they are continuing
20 to work as their pregnancy is progressing.

21 Reproductive justice is not just
22 about abortion access. It's about the ability to
23 have full agency and protections over your
24 reproductive future. This bill identifies a
25 place where mental health and labor rights

1 overlap. A worker's health should never come
2 secondary to the demands of their job.

3 Thank you, Mr. President.

4 ACTING PRESIDENT BAILEY: Senator
5 Ramos to be recorded in the affirmative.

6 The Secretary will read.

7 THE SECRETARY: Calendar Number
8 1866, Assembly Print Number 10028, by
9 Assemblymember Pretlow, an act to amend the
10 Racing, Pari-Mutuel Wagering and Breeding Law.

11 ACTING PRESIDENT BAILEY: Read the
12 last section.

13 THE SECRETARY: Section 2. This
14 act shall take effect immediately.

15 ACTING PRESIDENT BAILEY: Call the
16 roll.

17 (The Secretary called the roll.)

18 ACTING PRESIDENT BAILEY: Announce
19 the results.

20 THE SECRETARY: In relation to
21 Calendar Number 1866, voting in the negative:
22 Senator Brisport.

23 Ayes, 62. Nays, 1.

24 ACTING PRESIDENT BAILEY: The bill
25 is passed.

1 THE SECRETARY: Calendar Number
2 1867, Senate Print 9032B, by Senator Kavanaugh, an
3 act to amend the Real Property Tax Law.

4 ACTING PRESIDENT BAILEY: Read the
5 last section.

6 THE SECRETARY: Section 3. This
7 act shall take effect immediately.

8 ACTING PRESIDENT BAILEY: Call the
9 roll.

10 (The Secretary called the roll.)

11 ACTING PRESIDENT BAILEY: Announce
12 the results.

13 THE SECRETARY: In relation to
14 Calendar Number 1867, voting in the negative:
15 Senator Oberacker.

16 Ayes, 62. Nays, 1.

17 ACTING PRESIDENT BAILEY: The bill
18 is passed.

19 THE SECRETARY: Calendar Number
20 1868, Senate Print 9113A, by Senator Skoufis, an
21 act to amend the Civil Practice Law and Rules.

22 ACTING PRESIDENT BAILEY: Read the
23 last section.

24 THE SECRETARY: Section 8. This
25 act shall take effect on the 30th day after it

1 shall have become a law.

2 ACTING PRESIDENT BAILEY: Call the
3 roll.

4 (The Secretary called the roll.)

5 ACTING PRESIDENT BAILEY: Announce
6 the results.

7 THE SECRETARY: In relation to
8 Calendar 1868, those Senators voting in the
9 negative are Senators Borrello, Gallivan, Griffio,
10 Helming, Jordan, Martucci, Oberacker, O'Mara,
11 Ortt, Rath, Ritchie, Serino, Stec and Tedisco.

12 Ayes, 49. Nays, 14.

13 ACTING PRESIDENT BAILEY: The bill
14 is passed.

15 THE SECRETARY: Calendar Number
16 1869, Senate Print 9229A, by Senator Hoylman, an
17 act to amend the Penal Law.

18 ACTING PRESIDENT BAILEY: Read the
19 last section.

20 THE SECRETARY: Section 6. This
21 act shall take effect immediately.

22 ACTING PRESIDENT BAILEY: Call the
23 roll.

24 (The Secretary called the roll.)

25 ACTING PRESIDENT BAILEY: Senator

1 Hoylman to explain his vote.

2 SENATOR HOYLMAN: Thank you,
3 Mr. President.

4 You know, large-capacity magazines,
5 with which this bill deals, are already illegal.
6 This legislation is going to make it more clear
7 and fix a statutory loophole that has prevented
8 local prosecutors from enforcing the law.

9 Large-capacity magazines, I think
10 most of us have learned, sadly, allow the user to
11 shoot 10 or more rounds of ammunition before
12 needing to reload. They're incredibly dangerous,
13 and there's absolutely no use for them in
14 everyday gun use or sportsmen activities.

15 The white supremacist murder in
16 Buffalo used a large-capacity magazine to
17 perpetrate his domestic terrorism against the
18 Black community, resulting in the deaths of 10
19 and the serious injuries of three.

20 These devices have been prohibited
21 in New York for years, but conflicting statutes
22 have made prosecution unnecessarily difficult.
23 That's because the prohibition is split into two
24 different sections of the Penal Law, so that a
25 prosecutor has to prove first the device's date

1 of manufacture, and then the manufacture itself,
2 to secure a conviction. Since the device designs
3 don't vary much, this can be impossible to prove
4 and leave owners of illegal and dangerous weapons
5 off the hook.

6 This bill closes this outdated
7 loophole. Large-capacity magazines are illegal.
8 This affirms it. I want to thank the Brooklyn
9 district attorney, Eric Gonzalez, for bringing
10 this issue to our attention, as well as the team
11 here, Eric Katz and Dorothy Powell, as well as
12 Majority Leader Andrea Stewart-Cousins for
13 getting this important bill to the floor.

14 I vote aye. Thank you,
15 Mr. President.

16 ACTING PRESIDENT BAILEY: Senator
17 Hoylman to be recorded in the affirmative.

18 Announce the results.

19 THE SECRETARY: In relation to
20 Calendar 1869, those Senators voting in the
21 negative are Senators Akshar, Borrello, Boyle,
22 Gallivan, Griffo, Helming, Jordan, Lanza,
23 Martucci, Mattera, Oberacker, O'Mara, Ortt,
24 Palumbo, Rath, Ritchie, Serino, Stec, Tedisco and
25 Weik.

1 Ayes, 43. Nays, 20.

2 ACTING PRESIDENT BAILEY: The bill
3 is passed.

4 THE SECRETARY: Calendar Number
5 1870, Senate Print 9230, by Senator Hoylman, an
6 act to amend the Real Property Actions and
7 Proceedings Law.

8 ACTING PRESIDENT BAILEY: Read the
9 last section.

10 THE SECRETARY: Section 2. This
11 act shall take effect immediately.

12 ACTING PRESIDENT BAILEY: Call the
13 roll.

14 (The Secretary called the roll.)

15 ACTING PRESIDENT BAILEY: Announce
16 the results.

17 THE SECRETARY: In relation to
18 Calendar 1870, voting in the negative are
19 Senators Oberacker, O'Mara and Palumbo.

20 Ayes, 60. Nays, 3.

21 ACTING PRESIDENT BAILEY: The bill
22 is passed.

23 THE SECRETARY: Calendar Number
24 1871, Senate Print 9346, by Senator Mannion, an
25 act granting retroactive membership with Tier IV

1 status in the New York State Teachers' Retirement
2 System to Peter Guarino.

3 ACTING PRESIDENT BAILEY: Read the
4 last section.

5 THE SECRETARY: Section 2. This
6 act shall take effect immediately.

7 ACTING PRESIDENT BAILEY: Call the
8 roll.

9 (The Secretary called the roll.)

10 ACTING PRESIDENT BAILEY: Announce
11 the results.

12 THE SECRETARY: Ayes, 63.

13 ACTING PRESIDENT BAILEY: The bill
14 is passed.

15 THE SECRETARY: Calendar Number
16 1872, Senate Print 9407B, by Senator Kavanagh, an
17 act to amend the Penal Law.

18 ACTING PRESIDENT BAILEY: Read the
19 last section.

20 THE SECRETARY: Section 4. This
21 act shall take effect on the 30th day after it
22 shall have become a law.

23 ACTING PRESIDENT BAILEY: Call the
24 roll.

25 (The Secretary called the roll.)

1 ACTING PRESIDENT BAILEY: Senator
2 Kennedy to explain his vote.

3 SENATOR KENNEDY: Thank you,
4 Mr. President.

5 First of all, let me start by
6 thanking the Majority Leader, Andrea
7 Stewart-Cousins, for bringing this bill to the
8 floor today, along with a package of bills to
9 promote gun safety and public safety across
10 New York State.

11 I want to thank the bill's sponsor
12 for bringing this important piece of legislation
13 of the comprehensive package that we're putting
14 forward today that will establish penalties for
15 the sale or purchase of body armor, including
16 that on the internet, just as the coward did who
17 invaded our community in Buffalo and massacred
18 10 people in broad daylight.

19 That body vest that he wore
20 prevented him from taking a bullet from
21 Lieutenant Salter, who courageously fired back
22 and hit the perpetrator, and he was protected
23 while Lieutenant Salter and nine others were
24 murdered.

25 This bill, had it been in effect,

1 would have prevented the invader, the white
2 supremacist, the coward and the racist from ever
3 having purchased that protection for himself
4 illegally here in the State of New York.

5 Again, I want to thank the sponsor
6 for this legislation. I want to thank my
7 colleagues for their support of this and the
8 other pieces of legislation that will help move
9 New York forward, promote public safety, and set
10 a precedent for the rest of the nation to follow.

11 I vote aye, Mr. President.

12 ACTING PRESIDENT BAILEY: Senator
13 Kennedy to be recorded in the affirmative.

14 Senator Borrello to explain his
15 vote.

16 SENATOR BORRELLO: Thank you,
17 Mr. President.

18 I'm not going to support this bill
19 today. This does not decriminalize the
20 possession of body armor, and in fact something
21 can be purchased five minutes down the road from
22 where the evil person that came to Buffalo could
23 have crossed the border into Pennsylvania to buy
24 that body vest.

25 What it will do, though, however, is

1 it will put in the hands of the Department of
2 State who will actually get to purchase a vest to
3 protect themselves. Now, there are some very
4 obvious answers to that -- people in law
5 enforcement and security -- but there are some
6 that aren't so obvious.

7 If you're a taxi driver and you feel
8 you want to have a vest to protect yourself, you
9 should be able to have one. That may not be
10 allowed by the Department of State. If you work
11 an overnight shift at a convenience store in a
12 dangerous neighborhood, you should be able to do
13 that. Members of EMS. We actually have doctors
14 that show up at the scenes of dangerous
15 situations that would like to possess that vest.

16 The possession of a vest is not
17 illegal in New York State. And where I live, you
18 can drive five minutes across the border and
19 purchase one.

20 I don't believe the Department of
21 State will do enough due diligence to determine
22 who can and cannot purchase something that could
23 save their own lives.

24 Therefore, I'll be down on this
25 bill. Thank you.

1 ACTING PRESIDENT BAILEY: Senator
2 Borrello to be recorded in the negative.

3 Senator Weik to explain her vote.

4 SENATOR WEIK: Thank you,
5 Mr. President.

6 I would just like to say I do
7 recognize the importance of limiting body vests
8 to law enforcement and important workers, but I
9 want to make sure that we remember that our EMS
10 and ambulance workers have been shot at, and
11 these are important working individuals who will
12 still need to remember to have body vests
13 available to them.

14 So I hope that as we move forward
15 with this legislation, that we include important
16 individuals who are constantly under fire in
17 dangerous situations, risking their own life to
18 save others. And for that, I am in favor.

19 ACTING PRESIDENT BAILEY: Senator
20 Weik to be recorded in the affirmative.

21 Senator Kavanagh to explain his
22 vote.

23 SENATOR KAVANAGH: Thank you,
24 Mr. President.

25 This is of course one bill of a

1 broader package that we're doing today to -- as
2 part of our ongoing efforts in New York to
3 protect New Yorkers from the scourge of gun
4 violence. We know that we'll never be fully rid
5 of these kinds of atrocities until our Congress
6 and some state legislatures and the gun industry
7 stop blocking the kinds of legislation that we
8 know prevent gun violence.

9 But we in New York have now a long
10 track record of addressing this in ways that we
11 know work across the country and here in
12 New York. This bill, which is a
13 first-in-the-nation restriction of this type on
14 body armor, is intended to take a modest step
15 with respect to body armor to discourage use of
16 body armor among people who don't have any cause
17 to use it as a result of their job.

18 Now, to the concerns that have been
19 raised on the other side of the aisle, the bill,
20 first of all, doesn't go into effect for 30 days
21 and, second of all, requires the Secretary of
22 State to come up with a list of appropriate
23 professions. And, thirdly, has a specific
24 provision that allows somebody in a particular
25 profession where they believe they need body

1 armor to be added to that list so that they can
2 purchase it here in New York.

3 I got a call from a reporter who has
4 done overseas work in war zones, pointing out
5 that the bill doesn't specify that reporters in
6 war zones should be able to purchase this. And
7 obviously that is something I told him I will
8 support the request to the Secretary of State to
9 do that. Similarly, EMS workers and others that
10 are responding to emergency situations would
11 certainly be perfectly reasonable.

12 The bill doesn't specify all of
13 these things because -- for exactly the reason
14 that we didn't want to take it upon ourselves to
15 anticipate all possible circumstances. Instead,
16 we've got a flexible process. The Secretary of
17 State will put out this list before the bill goes
18 into effect, and then they will modify it over
19 time.

20 Again, body armor has been an
21 increasingly common part of these -- especially
22 of these mass shootings, especially of mass
23 shootings where the goal seems to be to kill the
24 maximum number of people. And this bill takes a
25 modest but significant step towards discouraging

1 that by restricting the sale of this equipment in
2 New York. It's often marketed as tactical gear
3 that you need along with your tactical weapons.

4 So we're taking this step today.
5 It's an important part of a larger package. I'm
6 proud to support the package, and I'm proud to
7 vote aye on this bill.

8 ACTING PRESIDENT BAILEY: Senator
9 Kavanaugh to be recorded in the affirmative.

10 Announce the results.

11 THE SECRETARY: In relation to
12 Calendar 1872, those Senators voting in the
13 negative are Senators Borrello, Griffo, Helming,
14 Jordan, Oberacker, O'Mara, Stec and Tedisco.

15 Ayes, 55. Nays, 8.

16 ACTING PRESIDENT BAILEY: The bill
17 is passed.

18 THE SECRETARY: Calendar Number
19 1873, Assembly Print Number 7079C, by
20 Assemblymember Burdick, an act to amend the
21 Penal Law.

22 ACTING PRESIDENT BAILEY: Read the
23 last section.

24 THE SECRETARY: Section 2. This
25 act shall take effect on the 30th day after it

1 shall have become a law.

2 ACTING PRESIDENT BAILEY: Call the
3 roll.

4 (The Secretary called the roll.)

5 ACTING PRESIDENT BAILEY: Announce
6 the results.

7 THE SECRETARY: Ayes, 63.

8 ACTING PRESIDENT BAILEY: The bill
9 is passed.

10 THE SECRETARY: Calendar Number
11 1874, Senate Print 9454, by Senator Krueger, an
12 act to amend the Administrative Code of the City
13 of New York.

14 ACTING PRESIDENT BAILEY: Read the
15 last section.

16 THE SECRETARY: Section 16. This
17 act shall take effect immediately.

18 ACTING PRESIDENT BAILEY: Call the
19 roll.

20 (The Secretary called the roll.)

21 ACTING PRESIDENT BAILEY: Announce
22 the results.

23 THE SECRETARY: Ayes, 63.

24 ACTING PRESIDENT BAILEY: The bill
25 is passed.

1 THE SECRETARY: Calendar Number
2 1875, Senate Print 9456, by Senator Sepúlveda, an
3 act to amend the Penal Law.

4 SENATOR WEIK: Lay it aside.

5 ACTING PRESIDENT BAILEY: Lay it
6 aside.

7 THE SECRETARY: Calendar Number
8 1876, Senate Print 9458, by Senator Thomas, an
9 act to amend the Penal Law.

10 SENATOR WEIK: Lay it aside.

11 ACTING PRESIDENT BAILEY: Lay it
12 aside.

13 THE SECRETARY: Calendar Number
14 1877, Senate Print 9459, by Senator Liu, an act
15 to amend the Education Law.

16 ACTING PRESIDENT BAILEY: Read the
17 last section.

18 THE SECRETARY: Section 11. This
19 act shall take effect immediately.

20 ACTING PRESIDENT BAILEY: Call the
21 roll.

22 (The Secretary called the roll.)

23 ACTING PRESIDENT BAILEY: Senator
24 Jackson to explain his vote.

25 SENATOR JACKSON: Thank you,

1 Mr. President.

2 I rise to speak in support of my
3 colleague John Liu's legislation S9459, regarding
4 the governance of New York City schools.

5 Mayoral accountability, not control,
6 because one person should not have absolute power
7 over the largest school district in the nation.

8 I say accountability because we need to hold
9 those in power accountable to the school
10 communities they are tasked with serving.

11 The new administration has offered
12 many commitments to students and families, saying
13 that they will "do things differently." We have
14 come together to extend mayoral accountability by
15 two years -- not three years, not four years,
16 which had been the full term of the
17 administration.

18 We want to ensure the promises
19 stated in announcements and press conferences are
20 kept. The Legislature will return in two years
21 to review an extension and gauge the success of
22 the administration.

23 I urge our school communities to
24 collaborate on what they would like to see in
25 their school governance, for us to make

1 worthwhile changes if absolutely needed. School
2 governance does not begin with the Panel for
3 Educational Policy level, it begins at the
4 parent/teacher conference's level, the PTAs and,
5 very importantly, the school leadership teams and
6 CECs, the Community Education Councils in
7 New York City.

8 We need to govern from the ground
9 up. We expect New York City to abide by the law
10 and support our school communities, reducing
11 class size, providing evidence-based dyslexia
12 support, and engaging students rather than
13 criminalizing them.

14 We are challenging New York City
15 governance on behalf of our constituents --
16 meaningful parent engagement, student and youth
17 voices in their education. And for that reason,
18 I vote aye and I urge my colleagues to vote aye.

19 Thank you.

20 ACTING PRESIDENT BAILEY: Senator
21 Jackson to be recorded in the affirmative.

22 Senator Brisport to explain his
23 vote.

24 SENATOR BRISPORT: Thank you,
25 Mr. President.

1 A common joke in New York City is
2 that you need a passport to go from Brooklyn to
3 the Bronx. Even within the same borough, our
4 neighborhoods are so wildly different from one to
5 the next that crossing the street can feel like
6 traveling to a different world.

7 Our city has the single largest
8 public school system in the nation, with nearly a
9 million students. And those students are facing
10 a vast and diverse range of circumstances. As a
11 recent public school teacher, I can tell you that
12 providing kids equitable access to a quality
13 education, especially in New York City, requires
14 deep responsiveness to that range of
15 circumstances.

16 I recently held a public forum to
17 hear from educators as well as parents and
18 students about their experiences under mayoral
19 control, and it quickly became clear that this
20 current system of hypercentralized power is not
21 resulting in that necessary responsiveness.

22 In fact, on many issues, like the
23 necessity of remote learning options, Mayor Adams
24 has either looked the other way or failed to even
25 notice their importance.

1 While in theory the PEP exists to
2 help the mayor receive and implement feedback,
3 the composition of this small body makes it
4 little more than a barrier between concerned
5 parents and the mayor. This bill does not do
6 nearly enough to change that.

7 Mayoral control was designed to be
8 temporary, yet lawmakers keep kicking the can
9 down the road instead of investing the time and
10 energy to work with parents and educators to
11 develop a permanent system. Once again, the
12 Legislature is concentrating power in the hands
13 of a single individual rather than doing that
14 work.

15 To make matters worse, this plan
16 includes a process to review the outcome that is
17 controlled again not by a democratic and diverse
18 body, but again by a single individual. I would
19 like to remind this body that two years is double
20 the first extension Mayor de Blasio was granted.
21 More importantly, it is also an incredibly long
22 time in the life of a child. And a quality
23 education too long deferred is a quality
24 education denied.

25 Mr. President, I vote no on this

1 bill.

2 ACTING PRESIDENT BAILEY: Senator
3 Brisport to be recorded in the negative.

4 Senator Sanders to explain his vote.

5 SENATOR SANDERS: Mr. President, I
6 have two friends who are arguing here today. A
7 friend of 30 years, Mayor Adams, makes a claim
8 that he should have the authority. A friend of
9 longer, the truth, tells me that there are
10 problems here.

11 One of the problems with this bill
12 is that it fails to recognize that New York City
13 and Yonkers are the only cities in New York State
14 that don't have a school board. Are we saying
15 that democracy is good for the rest of the state
16 but not good for these cities?

17 I would say that some will say that
18 this was done because there was some type of
19 problems in the school boards years ago. Okay.
20 The facts say that over the 20 years that there
21 was school boards in New York City, where
22 hundreds of people were actually involved in the
23 school boards, five people were convicted of
24 crimes during that time. Hundreds of people.

25 So are we to say that once there's a

1 problem anywhere, we just get rid of democracy
2 everywhere? And if that's the case, then we
3 should hold that same standard to the entire
4 state. The problems of democracy are not solved
5 by getting rid of democracy, but by cleaning it
6 up, working at it. It's not an easy thing.

7 I also will remind my colleagues
8 that there's been mayoral control for around
9 20 years. No studies have been done on this. Do
10 we know it's effective? Do we know it works or
11 doesn't work? We should look at these things.

12 So under those conditions, and
13 understanding that time is against us this
14 afternoon, I'm going to urge my colleagues to do
15 whatever they believe is right on this one. But
16 as for me, I believe that the problems of
17 democracy are solved with more democracy and not
18 saying that people are not worthy of democracy,
19 so we'll take it away and put it into the hands
20 of one person. That's not the country that I'm
21 fighting for.

22 Thank you very much, Mr. President.

23 ACTING PRESIDENT BAILEY: Senator
24 Sanders, is that -- are you --

25 SENATOR SANDERS: I'm voting no,

1 but not against my friend the mayor.

2 ACTING PRESIDENT BAILEY: Senator
3 Sanders to be recorded in the negative.

4 Senator Lanza to explain his vote.

5 SENATOR LANZA: Thank you,
6 Mr. President, to explain my vote.

7 I'm going to be voting no
8 additionally, but for very different reasons.

9 Since the -- from the moment that
10 I've entered public service serving the people of
11 Staten Island, I've been a champion for mayoral
12 control. That's because I remember the '70s and
13 the '80s. And I remember how terribly the
14 Department of Education failed students from one
15 end of New York City to the other -- I mean
16 really miserably failed students.

17 And people were just so frustrated.
18 There was a sense of despair whenever you would
19 talk to a parent or to a teacher anywhere in
20 New York City about what was happening. And the
21 common response that you would hear with respect
22 to the problem was "We can't hold anyone
23 accountable."

24 I remember Mayor Dinkins, Mayor
25 Bloomberg, Mayor Giuliani, Mayor Koch --

1 Democrats, Republicans -- all had the courage to
2 say, Let me try. Give me the power. Hold me
3 accountable, and I'll take care of it. Just in
4 the same as way as in the City of New York when
5 crime and public safety are issues, you turn to
6 the mayor. God forbid there are fires and there
7 is not safety with respect to that, you turn to
8 the mayor. It's the mayor's job to have a fire
9 commissioner, a police commissioner.

10 In the same way, the thought has
11 always been: Well, maybe if we turn it over to
12 the mayor, we're going to see something better
13 happen. And I truly believe that things did
14 improve under mayoral control. And while it is
15 not perfect, I still believe it is better to have
16 mayoral control so that the voters, the citizens,
17 the parents, the students of the City of
18 New York, when things aren't going right, they
19 can say, Well, let's change it.

20 You could never change the
21 bureaucracy. I mean, it was really a joke. What
22 was it, Livingston Street? Everything went --
23 people went in and never came out.

24 It was a -- I remember the
25 percentage of dollars that we all thought -- you

1 all thought, or people before us all thought they
2 were sending to educate children in the City of
3 New York. I know Senator Jackson has always been
4 a champion in terms of getting Albany dollars
5 down to the city. A horrific percentage of those
6 dollars never got to the kids. They never got to
7 the teachers. There was a whole city, and it
8 wasn't a shining city on a hill. It was a
9 Department of Education where dollars went to die
10 and people had patronage jobs who didn't care
11 about our kids. It's sad, but it's true.

12 The reason I'm voting against this
13 legislation is because I think it takes us a step
14 back in that direction. I'll take my chances
15 with Mayor Adams. The people of the City of
16 New York elected him. He's a good man. I'd
17 rather the people of the City of New York be able
18 to turn to him and say "You're doing a good job"
19 or "You're failing us and we're going to hold you
20 accountable."

21 This legislation creates a whole new
22 advisory panel where people are going to be
23 sharing that power with him. And of course one
24 person can't do it all. But this really divests
25 power from the mayor, sends it off into a new

1 bureaucracy, which is going to be born here,
2 25 now, I'm sure 50 next year, 200 -- before you
3 know it, we're back at Livingston Street, and
4 once again we will not have accountability.

5 We spend more taxpayer dollars per
6 kid, per student in New York City than anywhere
7 on Planet Earth. And yet all the years I'm here,
8 Democrats and Republicans have said: Boy, we're
9 failing our kids, it's a disaster. The kids are
10 being left behind. How could that be? More
11 dollars per kid than anywhere on earth.

12 So I know there are problems. I
13 think the best way to get things done is to have
14 mayoral control. This takes us back in the wrong
15 direction, back to the bureaucracy, back into the
16 land of no accountability.

17 And so, Mr. President, I vote no.

18 ACTING PRESIDENT BAILEY: Senator
19 Lanza to be recorded in the negative.

20 Senator Savino to explain her vote.

21 SENATOR SAVINO: Thank you,
22 Mr. President.

23 I also rise to say that I am
24 unfortunately voting against this bill. While I
25 support the efforts of the sponsor, and I know

1 that he put a lot of work into this, it's very
2 complicated. How do we decide who's going to
3 control our school system, who's going to be
4 responsible for the education of our children?
5 It's incredibly complicated.

6 But I do think that this bill takes
7 us a step back, as Senator Lanza said. I don't
8 think it's actually mayoral control. It's the
9 exact opposite. Because instead of having a
10 Panel for Education Policy with 13 or 15, now we
11 have 23. Rarely does adding bureaucracy increase
12 efficiency or excellence. We're -- it's going to
13 be impossible to get anything done. It will be
14 impossible to come to agreement. It will be
15 impossible to come to decisions about what's best
16 for the school system when you have 23 people --
17 who, by the way, cannot be removed except for
18 cause.

19 And what does that mean? They're
20 not government employees. They don't have due
21 process rights. What venue will that hearing be?
22 Who will determine whether or not they should be
23 removed? How will that be done? Will it be done
24 in an oath trial? Will it be done -- where, in
25 court? This could lead to endless Article 78

1 cases.

2 So I have concerns about the way
3 this was put together, which is why I'm voting
4 no. I do think if we believe in mayoral
5 control -- and obviously as a state we do,
6 because we picked it up 20 years ago and we've
7 continued it ever since under three other
8 mayors -- we should allow the mayor then to be in
9 charge of the school system, with a system of
10 checks and balances that the Legislature puts in
11 place.

12 This bill goes backwards, not
13 forwards. And unfortunately, I cannot vote for
14 it. I am in the negative.

15 Thank you, Mr. President.

16 ACTING PRESIDENT BAILEY: Senator
17 Savino to be recorded in the negative.

18 Senator Liu to explain his vote.

19 SENATOR LIU: Thank you,
20 Mr. President.

21 This is an issue that certainly has
22 taken a great deal of time in this body among our
23 colleagues, and also among the educational
24 community. There are those who say we need to
25 get rid of mayoral control and therefore

1 potentially revert back to the system of prior to
2 2002. There are people who say we need to
3 strengthen mayoral accountability and make it
4 perhaps forever. And then there are others who
5 are somewhere in the middle.

6 Then there are the most important
7 people, the parents. The parents, who are the
8 most important stakeholders in public schools.
9 It's their kids that they have entrusted to our
10 educational system in New York City. We need to
11 hear them.

12 And for the past many years, the
13 parents have felt less and less and less engaged.
14 They cannot get their suggestions or input heard.
15 Sometimes they can't even get a response to
16 simple questions, especially during a pandemic
17 time when they were very concerned -- not just
18 about the education of their kids, but about
19 their health as well.

20 So there have been a lot of issues.
21 No shortage of emotions that have been injected
22 into this debate. But today we have a bill, we
23 have a bill that I don't think anybody would say
24 it's perfect. And how many times have we said,
25 at the end of the day, a good piece of

1 legislation is where everybody is unhappy.

2 But the fact of the matter is this.

3 This bill allows the mayor of New York City to
4 retain control of the public schools. That
5 control is evidenced by the fact that he has a
6 clear majority of appointments to the New York
7 City school board, otherwise known as the Panel
8 for Educational Policy. The mayor also retains
9 the appointment and termination at any point of
10 the New York City schools chancellor, who has the
11 greatest hand in operating the 1800 schools in
12 New York City.

13 So it would not be accurate to say
14 that the mayor does not have control. The mayor
15 has a tremendous amount of control, and he will
16 retain a tremendous amount of control over
17 New York City public schools.

18 At the same time we've heard our
19 constituents, we've heard the parents of New York
20 City schoolkids, and we are making the system
21 more responsive to them. Number one, by
22 expanding the representation of parents on the
23 school board, the PEP. We're increasing it to
24 reflect the diversity of the boroughs. We're
25 also requiring the mayor to increase the number

1 of parents that he actually appoints to the PEP.
2 His choice. But they should be parents.

3 And we're also, importantly,
4 increasing the voice of the parents with
5 students, with children with disabilities as well
6 as parents of children who are English language
7 learners.

8 These are all changes that will make
9 the PEP stronger, more reflective of the
10 diversity of the city. And to those who would
11 say it's less efficient, colleagues, we have
12 63 members in this body. Some -- some would say
13 that's pretty inefficient. But that's what
14 representation is about. And to those who would
15 say it's inefficient, I say representation
16 sometimes takes a little bit more time to get
17 things done, but it's important to have that
18 representation. And we're expanding the
19 representation of parents who truly have felt
20 that they have been left out of the process.

21 So -- and then, lastly, we are also
22 increasing the integrity of this school board,
23 the PEP, by allowing the appointees of this
24 school board to serve one-year terms. Those
25 terms can be renewed if their appointer, whether

1 it be the mayor or borough president, chooses to
2 do so. But they will no longer be removable at
3 any moment for no reason, which is what the
4 current system does. Giving them one-year fixed
5 terms -- not term limits, one-year fixed terms --
6 injects a great deal more integrity into the PEP
7 process.

8 So for all of those reasons and
9 more, but in the interests of time, I vote yes,
10 Mr. President. Thanks.

11 ACTING PRESIDENT BAILEY: Senator
12 Liu to be recorded in the affirmative.

13 Announce the results.

14 THE SECRETARY: In relation to
15 Calendar 1877, those Senators voting in the
16 negative are Senators Akshar, Brisport, Comrie,
17 Griffo, Helming, Jordan, Lanza, Martucci,
18 Mattera, Oberacker, O'Mara, Ortt, Palumbo,
19 Persaud, Rath, Ritchie, Salazar, Sanders, Savino,
20 Stec and Weik. Also Senators Borrello, Tedisco,
21 Sepúlveda and Serino.

22 Ayes, 38. Nays, 25.

23 ACTING PRESIDENT BAILEY: The bill
24 is passed.

25 A brief housekeeping note. Please

1 note that sponsors of the bills are limited to
2 five minutes when explaining their vote, and
3 other members are limited to two minutes while
4 explaining their vote.

5 The Secretary will read.

6 THE SECRETARY: Calendar Number
7 1878, Senate Print 9460, by Senator Liu, an act
8 to amend the Education Law.

9 ACTING PRESIDENT BAILEY: Read the
10 last section.

11 THE SECRETARY: Section 6. This
12 act shall take effect immediately.

13 ACTING PRESIDENT BAILEY: Call the
14 roll.

15 (The Secretary called the roll.)

16 ACTING PRESIDENT BAILEY: Senator
17 Jackson to explain his vote.

18 SENATOR JACKSON: Thank you,
19 Mr. President.

20 And my colleagues, I rise to explain
21 my vote on behalf of the students for S9460,
22 which finally implements highly needed and
23 desired classroom reductions in New York City.

24 When I cofounded the Campaign for
25 Fiscal Equity with Michael Rebell to file a

1 lawsuit against New York State, excessive class
2 sizes were a main focus for the Foundation Aid
3 formula. The courts found: "Tens of thousands
4 of students placed in overcrowded classrooms is
5 large enough to represent a systemic failure."

6 After over 30 years, first came the
7 funding of Foundation Aid, and now the
8 accountability and doing what is proven to
9 improve education outcomes: Small class sizes.

10 There were those who doubted but now
11 support this fight for educational justice. As a
12 marathon runner, I know the goal is to stay the
13 course and reach the finish line, and I am
14 extremely excited that my colleagues molded this
15 legislation from my 2021 introduction of S6296A
16 with Assemblymember Jo Anne Simon, an education
17 lawyer. Since January, we've been beating the
18 drum on requiring a five-year phase-in to reduce
19 class size, placing a cap on class size by grade,
20 creating a strict timeline for meaningful public
21 engagement, and adding teeth to the Contract for
22 Excellence by holding funds if their goals are
23 not met.

24 Every year DOE surveys what changes
25 K-12 parents would like to see in their

1 children's school. Smaller class sizes have been
2 the top priority.

3 This is a win for every student, and
4 I want to thank the groups who have worked
5 tirelessly through the years: Alliance for
6 Quality Education. Class Size Matters.
7 Education Law Center. And of course we cannot
8 forget the parents who fought and even sued the
9 state for its refusal to reduce class size.

10 When I set my mind to something, I
11 don't care how it gets done. It gets done. This
12 victory is for the students. And thank you,
13 Madam Leader, Chair Liu, and UFT.

14 I proudly vote aye, and I ask my
15 colleagues to vote aye. Thank you.

16 ACTING PRESIDENT BAILEY: Senator
17 Jackson to be recorded in the affirmative.

18 Senator Brisport to explain his
19 vote. Senator Brisport not to explain his vote.

20 Senator Liu to explain his vote.

21 SENATOR LIU: Thank you, Madam
22 President. And Madam Chair.

23 A generation ago the courts of this
24 state ruled in simple terms that the kids were
25 not getting a sound basic education. And they

1 cited a litany of reasons why that was the case.
2 One of those major reasons was excessive class
3 sizes, too many kids in the same classroom. Not
4 enough attention possibly being paid to each
5 student by the teacher, because that teacher had
6 too many people in the classroom.

7 And so after years of litigation, of
8 which our colleague Robert Jackson was a
9 plaintiff, the courts decided, including the
10 highest court of this state, that the State of
11 New York needed to provide that funding. We
12 needed to cough up in order to provide that sound
13 basic education for every child in this state.

14 And so we did. And this
15 Legislature, although that preceded most of us
16 here, put together a funding plan. And that plan
17 was followed through until at some point things
18 fell off track, presumably because of some
19 recession. But thankfully last year we put it
20 back on track. And we are now in the second of a
21 three-year phase-in. By next year we will have
22 finally fulfilled the funding mandate that was
23 ordered by our courts.

24 But an important corollary to that
25 funding mandate was the actual definition of what

1 a sound basic education is and what the necessary
2 elements are in order to provide that. Small
3 class sizes were deemed to be something that
4 needed to be taken care of specifically, as
5 spelled out in the Contract for Excellence that
6 this body has affirmed year after year. But that
7 mandate has not been complied with by New York
8 City schools.

9 And so now that we have finally
10 given the City of New York all the money that
11 it's due through Foundation Aid, as spelled out
12 by the court system, we are now insisting that
13 the City of New York also live up to the spirit
14 of that Campaign for Fiscal Equity and provide a
15 sound basic education -- which does not include
16 continuing excessive class sizes.

17 When we say small class sizes, I
18 don't even know if that's the right term, because
19 we're -- the plan, this legislation calls for
20 class sizes that are closer to the national norm,
21 even closer to the rest of the state. The class
22 sizes in the City of New York are substantially
23 larger than the rest of the state and the rest of
24 the country.

25 So I wouldn't even call it small

1 class sizes, I would call it effective class
2 sizes. That is necessary in order for all the
3 New York City schoolkids to get a sound basic
4 education as envisioned by the court system
5 nearly a generation ago.

6 So Madam President, I thank you, as
7 the chair of our Education Committee, for all
8 your support and all the work that you have done
9 over the years. I thank our Madam Leader, who's
10 been very much engaged in that court decision
11 over this last generation.

12 I certainly thank Robert Jackson,
13 who we're -- RJ, we're trying to spare you
14 another walk to Albany, all right? -- and all the
15 advocates who have really been a part of this
16 effort. I will mention Leonie Haimson, who is
17 the epitome of persistence.

18 And so with that, once again, I vote
19 yes on this bill. Thank you.

20 ACTING PRESIDENT BAILEY: Senator
21 Liu to be recorded in the affirmative.

22 Announce the results.

23 THE SECRETARY: In relation to
24 Calendar 1878, those Senators voting in the
25 negative are Senators Borrello, Comrie, Ortt and

1 Savino.

2 Ayes, 59. Nays, 4.

3 ACTING PRESIDENT BAILEY: The bill
4 is passed.

5 THE SECRETARY: Calendar Number
6 1879, Senate Print 9461, by Senator Skoufis, an
7 act to amend the Arts and Cultural Affairs Law.

8 ACTING PRESIDENT BAILEY: Read the
9 last section.

10 THE SECRETARY: Section 3. This
11 act shall take effect immediately.

12 ACTING PRESIDENT BAILEY: Call the
13 roll.

14 (The Secretary called the roll.)

15 ACTING PRESIDENT BAILEY: Announce
16 the results.

17 THE SECRETARY: Ayes, 63.

18 ACTING PRESIDENT BAILEY: The bill
19 is passed.

20 THE SECRETARY: Calendar Number
21 1880, Senate Print 9462, by Senator Kavanagh, an
22 act establishing the special joint legislative
23 commission on affordable housing.

24 ACTING PRESIDENT BAILEY: Read the
25 last section.

1 THE SECRETARY: Section 6. This
2 act shall take effect immediately.

3 ACTING PRESIDENT BAILEY: Call the
4 roll.

5 (The Secretary called the roll.)

6 ACTING PRESIDENT BAILEY: Senator
7 Brisport to explain his vote.

8 SENATOR BRISPORT: Thank you,
9 Madam President.

10 It is challenging to stand here
11 right now and speak to you all calmly, because
12 the truth is I'm quite angry.

13 For five months we have talked about
14 the devastating, compounding impact of the
15 pandemic on our preexisting housing crisis. We
16 have watched the courts flood with eviction
17 cases. We have watched a massive wave of rent
18 hikes hit tenants already struggling to rebuild
19 their lives. Yet the entire time, we have sat on
20 a bill that would drastically improve housing
21 stability for a huge percentage of New York's
22 most vulnerable tenants: Good Cause Eviction.

23 And while this body dragged its
24 feet, the real estate industry was busy shelling
25 out unbelievable sums of money to spread

1 disinformation about Good Cause, disinformation
2 that some members of this Legislature seem to
3 have been successfully misled by.

4 It is our responsibility as
5 legislators to base our work in facts and
6 reality, especially in the face of disinformation
7 campaigns. It is our responsibility to
8 prioritize the well-being of our constituents
9 over corporate profits. It is our responsibility
10 to take meaningful action when New York is in
11 crisis. But instead of voting on the desperately
12 needed, longstanding Good Cause Eviction bill, we
13 are voting on a bill to create a commission
14 stacked with Hochul appointees to think about the
15 issue some more.

16 This bill is an inexcusable
17 abdication of our responsibility.

18 Madam President, I vote no.

19 ACTING PRESIDENT BAILEY: Senator
20 Brisport to be recorded in the negative.

21 Senator Helming to explain her vote.

22 SENATOR HELMING: Thank you,
23 Madam President.

24 We all know that homelessness is a
25 problem across the entire state. It impacts

1 every single community, and it impacts every
2 single county.

3 This bill creates a special joint
4 legislative commission on affordable housing to
5 make recommendations to the Legislature on how to
6 preserve and maintain existing affordable
7 housing. The commission would also explore ways
8 to support the development of new affordable
9 housing in the State of New York.

10 Additionally, this commission would
11 examine ways to maximize the impact of private,
12 state, local and federal resources by ensuring
13 long-term affordability -- something that we need
14 to do.

15 Madam -- Mr. President --

16 (Laughter.)

17 SENATOR HELMING: -- while the goal
18 of this commission is laudable, the fact that
19 neither minority leaders have representation or
20 have the ability to make nominations is
21 problematic to me.

22 Only by bringing in all interested
23 stakeholders will we find real solutions to
24 New York State's affordable housing crisis. It's
25 my hope that the sponsor of this legislation will

1 reconsider the exclusion of the minority
2 conferences being able to nominate
3 representatives.

4 We represent millions of
5 New Yorkers, millions of New Yorkers. And as I
6 said, this is a crisis across the entire state.

7 I will be voting no, Mr. President.

8 ACTING PRESIDENT BAILEY: Senator
9 Helming to be recorded in the negative.

10 Senator May to explain her vote.

11 SENATOR MAY: Thank you,
12 Mr. President.

13 I am voting yes on this bill, but I
14 do so because I recognize the affordable housing
15 crisis is growing and it is complex and there are
16 reasons to study ways to address a whole range of
17 issues that it raises.

18 But I also believe that we know the
19 answers to some of these questions. And I hope
20 and expect that the commission will take into
21 account policy that we have already drafted,
22 including the Good Cause Eviction, including my
23 bills for statewide right to counsel for people
24 who are facing eviction and the Tenant Dignity
25 and Safe Housing Act that allows tenants to

1 withhold rent if their housing conditions are
2 unsafe.

3 So I look forward to the results of
4 this commission, but I hope that they will build
5 in the things we already know about how to solve
6 the problems of affordable housing and eviction
7 in this state.

8 I vote aye. Thank you.

9 ACTING PRESIDENT BAILEY: Senator
10 May to be recorded in the affirmative.

11 Senator Jackson to explain his vote.

12 SENATOR JACKSON: Thank you,
13 Mr. President.

14 I rise to support this bill,
15 understanding that this pandemic that we are all
16 living in has had a negative impact on housing
17 overall. And you may say, How did it have a
18 negative impact on housing? Well, all of the
19 people that live in housing, whether or not they
20 are renters or owners or even homeowners, both
21 renters and homeowners have been negatively
22 impacted as we go through this pandemic.

23 And I think realistically, if in
24 fact a true commission comes together and looks
25 at the reasons why, then there are going to be

1 some startling events that we will all know that
2 quite frankly so many people are being negatively
3 impacted regarding housing, especially during the
4 pandemic, because of the loss of employment and
5 what have you. That's why we, as a State
6 Legislature, put up ERAP and all the other
7 programs to help people in housing.

8 So I'm looking forward to that. But
9 I also agree as far as Good Cause Eviction is
10 extremely important for the people that are
11 living in housing and cannot afford to pay their
12 rent in regard of the pandemic situation, but
13 also understanding that if I'm renting and I'm
14 abiding by the law, rules and regulations, I
15 should have a right to have my lease renewed.

16 And so I ask all of us to consider:
17 Let's not wait until January, till we come back
18 to deal with a new session. We should deal with
19 Good Cause Eviction right away, because if not,
20 tens of thousands of people are going to be
21 negatively impacted. And we don't want to
22 negatively impact tens of thousands of people.
23 We want to be able to help them.

24 So with that, I vote aye on this
25 bill.

1 ACTING PRESIDENT BAILEY: Senator
2 Jackson to be recorded in the affirmative.

3 Announce the results.

4 THE SECRETARY: In relation to
5 Calendar Number 1880, those Senators voting in
6 the negative are Senators Akshar, Borrello,
7 Boyle, Brisport, Gallivan, Griffio, Helming,
8 Jordan, Lanza, Martucci, Mattera, Oberacker,
9 O'Mara, Ortt, Palumbo, Rath, Ritchie, Salazar,
10 Stec, Tedisco and Weik.

11 Ayes, 42. Nays, 21.

12 ACTING PRESIDENT BAILEY: The bill
13 is passed.

14 Senator Gianaris.

15 SENATOR GIANARIS: Thank you,
16 Mr. President.

17 Once again, we are moving so
18 expeditiously through the calendar -- which I
19 appreciate -- that one of our members missed the
20 opportunity to speak on his bill.

21 So by agreement, can we return to
22 Calendar 1879 and recognize Senator Skoufis to
23 explain his vote.

24 ACTING PRESIDENT BAILEY: On
25 Calendar 1879, Senator Skoufis to explain his

1 vote.

2 SENATOR SKOUFIS: Thank you very
3 much, Mr. President. Thank you to Senator
4 Gianaris.

5 I didn't want to miss the
6 opportunity to speak on this bill. A lot of work
7 was put in by central staff, my team --
8 specifically Evan Gallo, Eric Katz,
9 Shontell Smith. I want to also thank our
10 Majority Leader.

11 This is over a year in the making.
12 We're updating our ticketing laws here in
13 New York State. And coming out of the pandemic,
14 you know, I think we all acknowledge and all
15 appreciate that New York State offers the best
16 entertainment -- events, entertainment -- in the
17 country, perhaps even the world. It's important
18 that our access to those events keeps up and we
19 offer the best opportunities for our constituents
20 to access these great events as well.

21 And so facing an expiration in just
22 about four weeks, on July 1st, we had an
23 opportunity to renew, to update our live event
24 ticketing statute. And working with
25 Assemblyman O'Donnell, we did that.

1 And in particular I want to
2 highlight two provisions that are
3 first-in-the-nation provisions, if I could use a
4 Cuomonian statement there. First, all-in
5 pricing.

6 Everyone in this chamber has
7 probably bought tickets, and you go to StubHub,
8 you go to Vivid, you go to any of these websites
9 and you see a price and their listing. That's a
10 wonderful price, I'm willing to pay. The first
11 click, you put in your name, your address,
12 et cetera. The second click you put in your
13 credit card information. The third click you put
14 in something else. The fifth click, you're
15 checking out, and now suddenly there's a
16 \$25 service charge and an \$18 delivery fee, an
17 \$11 convenience charge, and the ticket price is
18 now double what you thought you were paying for
19 20 minutes prior.

20 All-in pricing requires all of these
21 sellers to move that total price to the front so
22 you know what you're paying for right at the
23 beginning of the transaction.

24 And the second, we'll be the first
25 in the country to disclose -- mandate -- that the

1 original price, the face value price be disclosed
2 on the resale market. And so when you go to
3 these platforms, you will now be able to see what
4 the original price of that ticket was.

5 Are you getting a good deal? Are
6 you getting a bad deal? You still want to buy a
7 ticket. If you got a bad deal, fine, but you at
8 least deserve to know the context, whether you
9 are getting a good deal or a bad deal, whether
10 that ticket's marked up two times, three times,
11 four times. And that's what consumers will now
12 be able to do.

13 We also ban delivery fees if there's
14 no delivery. Go figure. If you're printing your
15 ticket at home, you shouldn't be charged a
16 delivery fee.

17 We're also banning the resale of
18 free tickets. This is a provision that our
19 colleague Senator Hoylman has championed over the
20 years.

21 Shakespeare in the Park, free
22 tickets are handed out, and unscrupulous
23 individuals then go out and try and make a profit
24 reselling those tickets. The Pope comes to town
25 a few years ago; free tickets are given out to

1 faithful Catholics throughout New York State.
2 Unscrupulous individuals then go and put on
3 Craigslist and elsewhere \$500, \$800 to get this
4 hot ticket that they got for free. That will no
5 longer happen in New York State.

6 So I will argue this makes us the
7 leader in this space in the country. These are
8 great reforms. And again, I appreciate the
9 opportunity to speak on this and share some
10 words.

11 Thank you.

12 ACTING PRESIDENT BAILEY: Senator
13 Skoufis to be recorded in the affirmative on
14 Calendar 1879.

15 The Secretary will read.

16 THE SECRETARY: Calendar Number
17 1881, Senate Print 9463, by Senator Jackson, an
18 act to amend the Civil Service Law.

19 ACTING PRESIDENT BAILEY: Read the
20 last section.

21 THE SECRETARY: Section 25. This
22 act shall take effect immediately.

23 ACTING PRESIDENT BAILEY: Call the
24 roll.

25 (The Secretary called the roll.)

1 ACTING PRESIDENT BAILEY: Announce
2 the results.

3 THE SECRETARY: Ayes, 63.

4 ACTING PRESIDENT BAILEY: The bill
5 is passed.

6 THE SECRETARY: Calendar Number
7 1882, Senate Print 9464A, by Senator Krueger, an
8 act to amend Chapter 53 of Laws of 2022.

9 SENATOR GIANARIS: Is there a
10 message of necessity at the desk?

11 ACTING PRESIDENT BAILEY: There is
12 a message at the desk.

13 SENATOR GIANARIS: Move to accept
14 the message of necessity.

15 ACTING PRESIDENT BAILEY: All those
16 in favor of accepting the message of necessity
17 please signify by saying aye.

18 (Response of "Aye.")

19 ACTING PRESIDENT BAILEY: Opposed,
20 nay.

21 (Response of "Nay.")

22 ACTING PRESIDENT BAILEY: The
23 message is accepted.

24 Read the last section.

25 THE SECRETARY: Section 2. This

1 act shall take effect immediately.

2 ACTING PRESIDENT BAILEY: Call the
3 roll.

4 (The Secretary called the roll.)

5 ACTING PRESIDENT BAILEY: Announce
6 the results.

7 THE SECRETARY: Ayes, 63.

8 ACTING PRESIDENT BAILEY: The bill
9 is passed.

10 THE SECRETARY: Calendar Number
11 1883, Senate Print 9465, by Senator Bailey, an
12 act to amend the Executive Law.

13 ACTING PRESIDENT BAILEY: Read the
14 last section.

15 THE SECRETARY: Section 4. This
16 act shall take effect immediately.

17 ACTING PRESIDENT BAILEY: Call the
18 roll.

19 (The Secretary called the roll.)

20 ACTING PRESIDENT BAILEY: Announce
21 the results.

22 THE SECRETARY: In relation to
23 Calendar 1883, those Senators voting in the
24 negative are Senators Borrello, Helming,
25 Oberacker and Ortt.

1 Ayes, 59. Nays, 4.

2 ACTING PRESIDENT BAILEY: The bill
3 is passed.

4 THE SECRETARY: Calendar Number
5 1884, Senate Print 9466, by Senator Hoylman, an
6 act to amend the Judiciary Law and the
7 Family Court Act.

8 ACTING PRESIDENT BAILEY: Read the
9 last section.

10 THE SECRETARY: Section 4. This
11 act shall take effect immediately.

12 ACTING PRESIDENT BAILEY: Call the
13 roll.

14 (The Secretary called the roll.)

15 ACTING PRESIDENT BAILEY: Announce
16 the results.

17 THE SECRETARY: Ayes, 63.

18 ACTING PRESIDENT BAILEY: The bill
19 is passed.

20 THE SECRETARY: Calendar Number
21 1885, Senate Print 9467, by Senator Cooney, an
22 act to amend the Economic Development Law.

23 SENATOR GIANARIS: Mr. President,
24 is there a message of necessity at the desk?

25 ACTING PRESIDENT BAILEY: There is

1 a message of necessity at the desk.

2 SENATOR GIANARIS: Move to accept
3 the message of necessity.

4 ACTING PRESIDENT BAILEY: All those
5 in favor of accepting the message please signify
6 by saying aye.

7 (Response of "Aye.")

8 ACTING PRESIDENT BAILEY: Opposed,
9 nay.

10 (Response of "Nay.")

11 ACTING PRESIDENT BAILEY: The
12 message is accepted.

13 Read the last section.

14 THE SECRETARY: Section 5. This
15 act shall take effect immediately.

16 ACTING PRESIDENT BAILEY: Call the
17 roll.

18 (The Secretary called the roll.)

19 ACTING PRESIDENT BAILEY: Senator
20 Cooney to explain his vote.

21 SENATOR COONEY: Thank you,
22 Mr. President.

23 First let me thank the
24 Majority Leader and her staff for bringing this
25 legislation forward, along with my coprime

1 sponsor Senator Mannion.

2 This legislation has the potential
3 to be absolutely transformational in our state.
4 This legislation will position New York to take
5 advantage of the federal push to bring
6 semiconductor manufacturing back to the
7 United States, which is critical to our economy
8 and to our national security.

9 Green CHIPS projects are
10 semiconductor manufacturing projects that also
11 include sustainability measures to mitigate
12 greenhouse gas emissions over the lifetime of the
13 project.

14 It also includes commitments to
15 worker training and community investment,
16 including investing in programs to help keep
17 employment for underserved communities. Think
18 about the community colleges that may be in your
19 community and the training programs that they're
20 providing to get people these good-paying jobs.

21 It's also labor-friendly. This
22 includes a requirement for federal prevailing
23 wages for the construction projects.

24 As the chair of the Cities 2
25 Committee, I traveled across the state, and the

1 access to good-paying jobs is the number-one way
2 that we're going to grow and keep our population
3 in these small and mid-sized cities across the
4 state, especially in the Thruway Corridor.

5 Passing this bill today makes
6 New York not only more competitive with other
7 states across the country, but also positions us
8 to lead in ushering in a new generation of green
9 manufacturing in New York State.

10 Mr. President, I vote aye.

11 Thank you.

12 ACTING PRESIDENT BAILEY: Senator
13 Cooney to be recorded in the affirmative.

14 Senator Mannion to explain his vote.

15 SENATOR MANNION: Thank you,
16 Mr. President.

17 I'm proud to stand here today, along
18 with my colleague Senator Cooney, in not only the
19 construction of this bill but certainly the
20 advocacy for it. And I thank the leader for
21 bringing it to the floor.

22 We've learned a lot over the past
23 few years, and one thing is that we must make our
24 products -- essential products, products
25 essential to a number of different industries,

1 products essential to national security -- we
2 must make those here in the United States of
3 America. And better yet, we should make them in
4 New York State.

5 I represent an area that has a great
6 history of technology, a great history of
7 industry, a great history of manufacturing.
8 Syracuse, New York, Rochester, New York, and
9 other places around this state are where we
10 should be making our conductors --
11 semiconductors, excuse me.

12 Clay, New York, one area that I
13 represent, is perfectly positioned for projects
14 like what would benefit from Green CHIPS. We not
15 only have a tremendous workforce, we have
16 excellent educational institutions, we have
17 tremendous natural resources and transportation
18 systems. But one thing we have that many do not
19 know is that we are at the crossroads of
20 electrical transfer that comes from green energy,
21 maybe more than anywhere else in North America.

22 And as a result, I'm proud to
23 promote this bill, proud to promote a program
24 that will have community benefits built into it,
25 proud to make sure that we again in Syracuse,

1 New York, are at the cutting edge of technology.

2 I proudly vote aye. Thank you,
3 Mr. President.

4 ACTING PRESIDENT BAILEY: Senator
5 Mannion to be recorded in the affirmative.

6 Senator Krueger to explain her vote.

7 SENATOR KRUEGER: Thank you,
8 Mr. President.

9 I'm voting no on this bill. I
10 respect the people who have dreams of what might
11 happen, but I've watched this state for decades
12 make deals that are races to the bottom with
13 people from other states, from county to county,
14 where we give away our tax dollars. Sometimes,
15 when you add them up, they're dramatically more
16 than could ever be seen as new economic activity
17 from the program.

18 I understand why we're doing this,
19 and I respect my colleagues who will vote for it.
20 But I worry and I've in fact even told Senator
21 Schumer, who's behind the federal bill, that I
22 worry that he's encouraging range wars between
23 the states so that now we need to give away even
24 more of our tax dollars to try to draw in
25 companies that might have been perfectly happy to

1 come to us just on the federal program, but we
2 have to match federal money, we have to give even
3 bigger contributions -- tax dollars away.

4 I just read about a deal of a
5 similar plant in Ohio, and they're talking about
6 wanting to do 10 there, where Ohio is clearly
7 going to spend more money on the building of
8 these plants than they can ever generate in the
9 number of jobs that will be created.

10 I worry that this program, because
11 it goes for almost 25 years, is estimated to
12 potentially cost us 500 million per year in state
13 money, the equivalent in matching local tax
14 giveaways -- and that's \$25 billion over
15 potentially 25 years.

16 And they're not jobs for low-wage
17 workers, they're actually jobs of \$100,000 to
18 \$200,000 that, with all due respect, in this
19 economy high-skill workers are going to get those
20 jobs anyway. Maybe they wouldn't all be in
21 New York; I don't know.

22 So I worry that we continue this
23 pattern of saying we're only doing economic
24 development in the context of the biggest
25 megadeals in the hopes of drawing people into

1 New York State, as opposed to focusing on what's
2 already here, who's already here, what they're
3 trying to do, and investing in them.

4 I worry, even though I think there
5 are more protections in this bill than in many
6 others I've seen, that if they don't deliver on
7 their side of the deal, we still lose the tax
8 money. You know, I worry that there will be side
9 deals -- okay, we'll give you the land for free
10 now. Okay, you don't have to pay the school
11 taxes for 25 years now. So you'll draw people
12 into your community, but you won't have any more
13 money to pay for the schools.

14 I worry about a lot of things. And
15 I think that this kind of program, since it is
16 going to pass, needs a commitment from us and the
17 Governor's office that we are going to evaluate
18 this step by step, the kinds of evaluations we
19 talk about but we don't do in economic
20 development programs in this state.

21 For example, Mr. President, we have
22 these two chip plants right here in the Albany
23 area. They were started by George Pataki and
24 every Governor since. And I keep being told
25 those were incredibly successful, those are our

1 model. Well, with all due respect, nobody's even
2 done a report to study how much tax money we gave
3 up in these years for those plants and what we
4 got out of it.

5 We owe the people of New York
6 transparency and accountability when we do these
7 kinds of deals, and this one will be the biggest
8 one New York State has ever done.

9 So -- sorry -- I'm too cynical about
10 this model. I can't vote for this bill.

11 Thank you, Mr. President.

12 ACTING PRESIDENT BAILEY: Senator
13 Krueger to be recorded in the negative.

14 Senator Kennedy to explain his vote.

15 SENATOR KENNEDY: Thank you,
16 Mr. President.

17 Let me just start by thanking
18 Majority Leader Stewart-Cousins for bringing this
19 important bill to the floor, and thanking the
20 bill's sponsor, Senator Cooney, for working to
21 help advance this very important piece of
22 legislation that's going to create jobs in
23 New York State.

24 It's going to help improve our
25 economy, particularly in upstate New York. And

1 it's going to play off of the federal vision for
2 bringing semiconductor processes and jobs to the
3 great State of New York.

4 What we need to do as a body, as a
5 Legislature, as a government is to allow for the
6 most flexibility that we possibly can give to our
7 economic development agencies to lure businesses
8 from out of state and out of country so that we
9 can provide for local economies. Areas of the
10 State of New York, particularly upstate, have
11 really felt the pain over many decades of
12 neglect, and unfortunately have felt as if we've
13 been left behind.

14 Those days are over. And this is an
15 opportunity for us to demonstrate that we're
16 focused on economic development, we're focused on
17 a new vision for our economy, we're focused on
18 every area of New York State, including upstate,
19 and making sure that we're giving the tools
20 necessary to the economic development agencies to
21 produce jobs.

22 With that, Mr. President, again, I
23 thank the bill's sponsor, and I vote aye.

24 ACTING PRESIDENT BAILEY: Senator
25 Kennedy to be recorded in the affirmative.

1 Announce the results.

2 THE SECRETARY: In relation to
3 Calendar 1885, those Senators voting in the
4 negative are Senators Krueger and Skoufis.

5 Ayes, 61. Nays, 2.

6 ACTING PRESIDENT BAILEY: The bill
7 is passed.

8 THE SECRETARY: Calendar Number
9 1886, Senate Print 9470, by Senator Cooney, an
10 act to amend the Real Property Actions and
11 Proceedings Law.

12 SENATOR GIANARIS: Lay it aside
13 temporarily, please.

14 ACTING PRESIDENT BAILEY: The bill
15 will be laid aside temporarily.

16 Senator Gianaris, that completes the
17 reading of the supplemental calendar.

18 SENATOR GIANARIS: Thank you,
19 Mr. President. Can we now move to the
20 controversial calendar, beginning with
21 Calendar 1845.

22 ACTING PRESIDENT BAILEY: The
23 Secretary will ring the bell.

24 The Secretary will read.

25 THE SECRETARY: Calendar Number

1 1845, Senate Print 89B, by Senator Kaminsky, an
2 act to amend the Penal Law.

3 ACTING PRESIDENT BAILEY: Senator
4 Lanza, why do you rise?

5 SENATOR LANZA: Mr. President, I
6 believe there's an amendment at the desk. I
7 waive the reading of that amendment and ask that
8 you recognize Senator Akshar to be heard.

9 ACTING PRESIDENT BAILEY: Thank
10 you, Senator Lanza.

11 Upon review of the amendment, in
12 accordance with Rule 6, Section 4B, I rule it
13 nongermane -- and Tito, Michael, and any other
14 Jackson -- and out of order at this time.

15 SENATOR LANZA: Accordingly,
16 Mr. President, I appeal the ruling of the chair
17 and ask that you recognize Senator Akshar.

18 ACTING PRESIDENT BAILEY: The
19 appeal has been made and recognized, and
20 Senator Akshar may be heard.

21 SENATOR AKSHAR: Mr. President,
22 thank you. I rise to appeal your ruling from the
23 chair.

24 The proposed amendment is in fact
25 germane, Mr. President, not only to the

1 bill-in-chief before us. The bill seeks to
2 address issues related to the safety of students
3 and so too, Mr. President, does the amendment, as
4 it would provide for the safety of students by
5 requiring all schools to employ a school resource
6 officer and provide the funding for the hiring of
7 such personnel.

8 There's no disputing the facts,
9 Mr. President, that recent events have reminded
10 us all of the critical importance of protecting
11 our students because of the threat of violence.

12 Most importantly, providing the
13 funding, in requiring each school in New York to
14 have a school resource officer, would help secure
15 the safety of our students, teachers,
16 administrators and school personnel.

17 These officers, as many of us know,
18 they have diverse duties in the school setting.
19 They provide protection to our children. They
20 provide mentoring and counseling services. They
21 assist in the design of school safety plans and
22 security policies.

23 And these officers, frankly, become
24 members of the school community and develop a
25 level of trust with students and faculty, putting

1 them in a perfect position, Mr. President, to
2 observe or receive information on both students
3 in need of help and potential threats.

4 School resource officers, there's no
5 denying this, have the capacity to help prevent
6 targeted violence in school and to respond
7 quickly to attack -- God forbid it takes place.

8 We are taking up a series of bills,
9 Mr. President, to protect New Yorkers. Of course
10 this bill before us aims to protect students.
11 And while I recognize there is a script for you
12 to follow from the chair, I would respectfully
13 ask you to reconsider your position with respect
14 to the amendment that I have put forth.

15 Mr. President, I thank you.

16 ACTING PRESIDENT BAILEY: Thank
17 you, Senator Akshar.

18 I want to remind the house that the
19 vote is on the procedures of the house and the
20 ruling of the chair.

21 Those in favor of overruling the
22 chair signify by saying aye.

23 SENATOR LANZA: Request a show of
24 hands.

25 SENATOR GIANARIS: Mr. President,

1 we have agreed to waive the showing of hands and
2 record each member of the Minority in the
3 affirmative.

4 ACTING PRESIDENT BAILEY: Without
5 objection, so ordered.

6 Announce the results.

7 THE SECRETARY: Ayes, 20.

8 ACTING PRESIDENT BAILEY: The
9 ruling of the chair stands, and the bill-in-chief
10 is before the house.

11 Senator Lanza, why do you rise?

12 SENATOR LANZA: Mr. President, I
13 believe there is another amendment at the desk.

14 I waive the reading of this
15 amendment and ask that you recognize Senator
16 Borrello to be heard and recognized.

17 ACTING PRESIDENT BAILEY: Thank
18 you, Senator Lanza.

19 Upon review of this amendment, in
20 accordance with Rule 6, Section 4B, I rule it
21 nongermane and out of order at this time.

22 SENATOR LANZA: Accordingly,
23 Mr. President, I appeal the ruling of the chair
24 and ask that you recognize Senator Borrello.

25 ACTING PRESIDENT BAILEY: The

1 appeal has been made and recognized, and
2 Senator Borrello may be heard.

3 SENATOR BORRELLO: Thank you,
4 Mr. President.

5 I rise because this bill is -- this
6 amendment is germane to the bill-in-chief because
7 it makes amendments to the Criminal Procedure Law
8 related to criminal offenses that this bill
9 creates. In fact, this amendment makes both
10 offenses created by this bill bail-eligible.

11 It also includes a provision to
12 require judges to order psychiatric assessments
13 for any person charged with this offense.

14 This bill is laudable, but it really
15 doesn't have any teeth because it identifies
16 someone who's making a threat, like to shoot up a
17 school. And what's going to happen to them?
18 They're going to get an appearance ticket and
19 we'll see you in a month.

20 That's not good enough if we think
21 someone is a threat. If that person who's made
22 the threat is a student, is 16 or 17 years old,
23 he's going to be sent to Family Court and the
24 records will be sealed.

25 We need to have more teeth in this

1 bill. That's why this amendment is not only
2 germane but incredibly important to ensuring the
3 safety of our students.

4 So, Mr. President, I ask you to
5 reconsider your ruling. Thank you.

6 ACTING PRESIDENT BAILEY: Thank
7 you, Senator Borrello.

8 I want to remind the house that the
9 vote is on the procedures of the house and the
10 ruling of the chair.

11 Those in favor of overruling the
12 chair signify by saying aye.

13 SENATOR LANZA: Request a show of
14 hands.

15 SENATOR GIANARIS: Mr. President,
16 have once again graciously agreed --

17 (Laughter.)

18 SENATOR GIANARIS: -- to waive the
19 showing of hands and record each member of the
20 Minority in the affirmative.

21 ACTING PRESIDENT BAILEY: Another
22 one. Without objection, so ordered.

23 Announce the results.

24 THE SECRETARY: Ayes, 20.

25 ACTING PRESIDENT BAILEY: The

1 ruling of the chair stands, and the bill-in-chief
2 is before the house.

3 Senator Palumbo.

4 SENATOR PALUMBO: Thank you,
5 Mr. President.

6 Would the sponsor yield for a few
7 quick questions, please.

8 ACTING PRESIDENT BAILEY: Would the
9 sponsor yield for some questions?

10 SENATOR KAMINSKY: I got one good
11 one left in me. Yes.

12 ACTING PRESIDENT BAILEY: The
13 sponsor has one good one left, and he will yield.

14 SENATOR PALUMBO: Thank you,
15 Senator Kaminsky. Good evening. Good to see
16 you.

17 Just a few quick questions. And if
18 maybe you could just tell our colleagues very
19 briefly what this bill does and why it was
20 necessary, please.

21 SENATOR KAMINSKY: Sure. This bill
22 adds supplemental criminal offenses because the
23 crime of making a terroristic threat was really
24 eviscerated by the Appellate Division a few years
25 back. In a case, in fact, involving a

1 Long Island case.

2 There was a custodian named Hulsen
3 who, in front of a colleague, said he was going
4 to Columbine the place, made a shooting noise,
5 and when they went to his house, an AR-15 was
6 recovered, he was arrested. But the court said
7 that to make a terroristic threat you need to
8 prove imminence. And he could have Columbined
9 that school at any time, and the definition of
10 the law was not met.

11 So what this does, it says just the
12 fact of making a threat of mass harm without any
13 indicia of evidence would be sufficient to prove
14 this new offense, either the lower level or an
15 overt action in furtherance of that on the
16 greater level.

17 SENATOR PALUMBO: Will the sponsor
18 yield for another question?

19 ACTING PRESIDENT BAILEY: Will the
20 sponsor continue to yield?

21 SENATOR KAMINSKY: Yes.

22 ACTING PRESIDENT BAILEY: The
23 sponsor yields.

24 SENATOR PALUMBO: Thank you,
25 Senator.

1 And I think we all agree that in
2 light of what's currently been occurring in our
3 society, that this is a loophole that needed to
4 be dealt with.

5 And in line with what some of my
6 colleagues just mentioned, are either of these
7 offenses bail-eligible?

8 SENATOR KAMINSKY: Through you,
9 Mr. President, they are not.

10 SENATOR PALUMBO: Will the sponsor
11 yield for another question?

12 SENATOR KAMINSKY: Yes.

13 ACTING PRESIDENT BAILEY: Will the
14 sponsor yield? The sponsor yields.

15 SENATOR PALUMBO: Thank you again,
16 Senator.

17 And was there any particular reason
18 why you felt the level of offense should be a
19 B misdemeanor for making the threat and
20 aggravating factors being if you take an overt
21 act, make a list or do something in the
22 furtherance of that threat, it's only an
23 A misdemeanor?

24 SENATOR KAMINSKY: Through you,
25 Mr. President. That was the agreement that we

1 were able to work out.

2 But it was satisfactory to me
3 because, you know, this is not taking anything
4 away from law enforcement, this is only
5 supplementing it. This is only adding more tools
6 so our men and women in law enforcement will be
7 able to be deal with these threats.

8 There are many cases where someone
9 can make an arrest. And I think we've lost
10 sight, especially in a lot of our bail
11 discussions, the case doesn't end at arraignment.
12 It continues, and there are consequences at the
13 end of that case. But for making a terroristic
14 threat where you couldn't prove imminence, that
15 was not the case.

16 So ensuring that there could be a
17 conviction and that there were actual
18 consequences as a result of making a threat --
19 more than just against schools, against places of
20 mass gathering, whether it's a supermarket or a
21 town hall. It was important to make sure that we
22 close that loophole.

23 SENATOR PALUMBO: Thank you,
24 Senator Kaminsky.

25 ACTING PRESIDENT BAILEY: Can we

1 have some order, please.

2 SENATOR PALUMBO: Thank you,
3 Mr. President. And thank you, Senator Kaminsky.

4 On the bill, please, Mr. President.

5 ACTING PRESIDENT BAILEY: Senator
6 Palumbo on the bill.

7 SENATOR PALUMBO: Thank you.

8 And I certainly support this bill.

9 This is something that we certainly needed to
10 address. And just from experience, there were
11 some wrinkles that I've dealt with in the
12 criminal justice system. For example, when
13 someone would make a bomb threat many years ago
14 when I was an ADA, and they would threaten to
15 blow up a school, we would actually charge the
16 felony of falsely reporting an incident. And
17 that was limited to fires or explosions or
18 releasing of a hazardous substance, and that was
19 a Class E felony.

20 In fact, in my district, I believe
21 it was yesterday -- in the past two days someone
22 threatened to shoot up a school and they were
23 charged with the Class D felony of making a
24 terroristic threat. Quite frankly, I don't
25 know -- and as Senator Kaminsky indicated

1 accurately, I don't know if that particular
2 threat meets the specific elements.

3 So we do have a huge hole in the
4 Penal Law with regard to crimes we can charge.
5 And quite frankly, we already have the ability --
6 falsely reporting an incident in the third
7 degree, which is a Class A misdemeanor, is
8 actually, in my opinion, easier to prove than
9 these new crimes that are the subject of this
10 bill.

11 A person is guilty of falsely
12 reporting an incident in the third degree when,
13 knowing the information reported conveyed or
14 circulated to be false or baseless, he or she
15 initiates or circulates a false report or warning
16 of an alleged occurrence or impending occurrence
17 of a crime, catastrophe or emergency under
18 circumstances in which it is not unlikely that
19 public alarm or inconvenience will result.

20 That's an A misdemeanor. So if
21 someone threatened today, before this becomes
22 law, you already have an A misdemeanor that is
23 easy elements, and you can certainly prove that
24 particular crime. You can charge them, get them
25 the help they need. Obviously there are a lot of

1 mental health aspects to this.

2 So quite frankly, my friends, I do
3 support this. Of course I think we all do. But
4 if we're going to do it, let's do it. Let's do
5 it right. Let's do it for real. Let's make the
6 threat of, in my opinion, a terrorist act to
7 shoot up a school, whether you're an 18-year-old
8 kid -- and I've even handled cases like this,
9 where it's just a kid who doesn't want to take an
10 exam that day and they thought it would be cute
11 to leave an anonymous message that there's a bomb
12 in someone's locker so they didn't have school
13 that day.

14 But that terrorized communities.
15 And now, in this current climate, with what we've
16 seen over the past few years, that is extremely
17 heightened.

18 So I do support this bill. And of
19 course I urge my colleagues -- I'm sure they will
20 be voting in the affirmative. But let's do it
21 right. Because we actually have a bill on the
22 agenda we're going to be taking up in a little
23 bit that my 18-year-old son -- because under the
24 semiautomatic rifle bill, giving is considered a
25 sale, just like with drugs, under our Penal Law.

1 So if I give my 18-year-old son a
2 .22 rifle in a couple of days, without a
3 license -- or when this becomes law, I should
4 say, I would be guilty of a Class E felony for
5 giving my son a lawfully owned .22 rifle. Yet if
6 I threaten to shoot up a school, I get an
7 appearance ticket.

8 So we need to go further. I
9 appreciate what we're doing here. And I know, I
10 understand the nature of this business, that you
11 have certain compromise and certain people with
12 different views of the criminal justice system.
13 But we need to unify on this issue now. This
14 needs to be a real crime, a serious crime, not
15 just on the misdemeanor level.

16 Thank you, Mr. President.

17 ACTING PRESIDENT BAILEY: Thank
18 you, Senator Palumbo.

19 Are there any other Senators wishing
20 to be heard?

21 On the bill, Senator Borrello, or to
22 explain your vote?

23 SENATOR BORRELLO: On the bill,
24 Mr. President.

25 ACTING PRESIDENT BAILEY: Senator

1 Borrello on the bill.

2 SENATOR BORRELLO: Thank you,
3 Mr. President.

4 I'd like to thank Senator Kaminsky
5 for this bill. I do not believe it doesn't have
6 enough teeth. But what we're trying to do here
7 is we're trying to protect innocent people from
8 carnage. And we want to know in advance when
9 someone's going to do something. But we're not
10 always going to have that opportunity. In fact,
11 we will likely not have that opportunity,
12 unfortunately.

13 But we have the opportunity to do
14 something here. We can do it today, we can do it
15 before we leave here. And that is to mandate and
16 fund a school resource officer in every school
17 building in New York State. You want to help our
18 kids? You want to keep them safe? An armed SRO
19 in every school. That will be a big step
20 forward.

21 But you won't do that. You won't do
22 that because those radical "defund the police"
23 advocates -- I love the word "advocates" -- they
24 don't like that. They don't like having a
25 trained officer in a school with a gun. Because

1 even now, two years after the disaster of bail
2 reform and the spikes in crimes that we've seen,
3 they still believe that law enforcement is the
4 enemy, and they don't want them in our schools
5 protecting our children.

6 So you're not going to do that, and
7 you could. You could do it easily. We have the
8 money to do it. We could do it before we leave
9 Albany. And you won't do it because of politics.

10 Thank you, Mr. President.

11 ACTING PRESIDENT BAILEY: Are there
12 any other Senators wishing to be heard?

13 Seeing and hearing none, debate is
14 closed. The Secretary will ring the bell.

15 Read the last section.

16 THE SECRETARY: Section 2. These
17 act shall take effect immediately.

18 ACTING PRESIDENT BAILEY: Call the
19 roll.

20 (The Secretary called the roll.)

21 ACTING PRESIDENT BAILEY: Senator
22 Lanza to explain his vote.

23 SENATOR LANZA: Mr. President, I
24 rise in support of this legislation.

25 I thank the sponsor. I think it's a

1 step in the right direction. I know that you
2 can't hit the mark and solve every problem in one
3 piece of legislation, but I think our side of the
4 aisle has put on the floor today amendments,
5 provisions which, if added to this legislation, I
6 think would really give it teeth and really make
7 a difference.

8 So this legislation says that if you
9 threaten mass harm, you can be arrested. It
10 would be a crime under this legislation. I think
11 that's appropriate.

12 You're arrested, you're given a DAT,
13 you can't be held on bail, you go home. God only
14 knows what is going to happen then. Especially
15 since not only do you now have a person who
16 threatened mass harm, but who has now been
17 arrested by the police and told, Okay, we'll see
18 you later. I think it may -- and I fear I'm
19 wrong -- I hope I am wrong -- may possibly
20 increase the risk and put this person in a whole
21 new different state of mind.

22 So why not -- and I urge the
23 sponsor. The Governor threatened to bring us
24 back. I urge the sponsor, my good friend, to
25 consider, if this becomes law, amending it and

1 add a commonsense public safety provision that
2 says, yes, you threaten mass harm, you're going
3 to be arrested. Now that you're arrested, you're
4 bail-eligible. Not only that, you are going to
5 undergo immediate psychiatric evaluation.

6 We've all seen the story play over
7 and over again. It's the same storyline,
8 tragically. People say they're going to do
9 something. They slip through the cracks.
10 Government fails time and time again. They're
11 sent on their way. All the signs were there. If
12 only there was a psychiatric evaluation. If only
13 there was a psychiatric evaluation.

14 So I think this is a good start.
15 We have an arrest, we have the person in custody.
16 Now let's actually do something about it. Let's
17 actually make sure that we're not putting a
18 person who is a real threat, who is a person
19 that's going to carry out on their words, back on
20 the street without actually trying to understand
21 who it is we're dealing with.

22 So I vote in the affirmative,
23 Mr. President, but I urge my colleague: Please
24 consider these measures. Consider these
25 amendments.

1 ACTING PRESIDENT BAILEY: Senator
2 Lanza to be recorded in the affirmative.

3 Senator Tedisco to explain his vote.

4 SENATOR TEDISCO: Thank you,
5 Mr. President.

6 I just want to follow up on what's
7 been said about what's being proposed here,
8 because I think it's a good idea. I'm going to
9 support it.

10 But if you do exactly what you've
11 put into this bill, it's been explained by
12 Senator Lanza and others exactly what's going to
13 happen. You're going to find somebody that
14 probably has a psychological, emotional or mental
15 problem, an anger problem. And then you're going
16 to bring them in, you're going to chastise them,
17 take a weapon away, maybe. But again, as he
18 said, they're going to walk out the door.

19 So you've given them a false sense
20 of security. You've found the potential
21 perpetrator -- and we always talk about assisting
22 and helping in solving the problem. Not making
23 somebody a criminal, but stopping them from being
24 a criminal before they become one. And that
25 entails providing an evaluation, and then that

1 provides treatment after.

2 If that were added to that, this
3 would be a tremendous bill. If you said, We've
4 got a problem, the law is going to say we're
5 going to evaluate you, see what your problem is,
6 and then we're going to force you to have some
7 treatment -- because we've done some bills before
8 on addiction where individuals who were
9 incarcerated, very difficult when you have
10 addiction to start -- get treatment.

11 But when you're incarcerated, you're
12 locked down. We can provide you the treatment.
13 We got a grant in Schenectady, part of the system
14 we passed here, for \$300,000 to treat individuals
15 when they were incarcerated. This doesn't do
16 that.

17 Even if we did do that, though,
18 there are still going to be people who slip
19 through the harp. So I want to bring back
20 something you may think is an instant replay.
21 It's something we talked about about four years
22 ago when we were in the majority and I had a bill
23 called the Guardians of Schools.

24 I want to ask you, when you walk
25 down the halls before you go through all the

1 process to get into the LOB or come up to the
2 Capitol here, what do you see as a security
3 program to protect you and the constituents who
4 come here? Let's stop for a minute, let's think
5 about it.

6 When I get up the elevator and I
7 walk down the hall, the first thing I see is
8 what? Several armed troopers, law enforcement
9 officials, with usually their hands on their guns
10 on the side. In here. Not to protect the kids
11 in the school. They're not in the school
12 protecting the kids in the school. You're much
13 older than kids right now -- sometimes we act
14 like kids here -- but they're protecting you.

15 ACTING PRESIDENT BAILEY: Senator
16 Tedisco, if I may, could I ask you to wrap up and
17 explain your vote. How will you be voting?

18 SENATOR TEDISCO: Sure. And that's
19 the security you have. Then you go through metal
20 detectors. Then we have cameras all over. Then
21 we have emergency --

22 ACTING PRESIDENT BAILEY: Senator
23 Tedisco, how do you vote?

24 SENATOR TEDISCO: -- activities.
25 Shouldn't you provide that to the kids in the

1 school --

2 ACTING PRESIDENT BAILEY: Senator
3 Tedisco, how do you vote?

4 SENATOR TEDISCO: -- if you're
5 providing that security for yourself?

6 ACTING PRESIDENT BAILEY:
7 (Gaveling.) How do you vote?

8 SENATOR TEDISCO: I'm going to vote
9 no --

10 ACTING PRESIDENT BAILEY: Senator
11 Tedisco to be recorded in the negative.

12 SENATOR TEDISCO: No, I'm going to
13 vote yes --

14 ACTING PRESIDENT BAILEY: Senator
15 Tedisco to be recorded in the affirmative.

16 SENATOR TEDISCO: -- because you've
17 done a --

18 ACTING PRESIDENT BAILEY:
19 Senator Kaminsky to explain his vote.

20 SENATOR TEDISCO: You've got me
21 confused. You're very loud in my ear.

22 ACTING PRESIDENT BAILEY: I'm
23 sorry, Senator Tedisco, I was trying to --

24 SENATOR TEDISCO: Shut me up. I
25 know, that's okay.

1 ACTING PRESIDENT BAILEY: No, you
2 were past the two-minute prescribed limit and you
3 started to veer off into a topic that was not
4 germane to the bill. I tried to give you every
5 possible allowance, Senator.

6 SENATOR TEDISCO: Sometimes the
7 other side does that too, but you give them a
8 little leeway. So I was taking --

9 ACTING PRESIDENT BAILEY: Well, I
10 gave you leeway as well. Thank you, Senator
11 Tedisco.

12 SENATOR TEDISCO: That's like
13 giving me a couple of feet for a shot, right?

14 ACTING PRESIDENT BAILEY: I still
15 can't guard you, Jimmy.

16 SENATOR TEDISCO: So I'm going to
17 vote yes. You went partway. But give them the
18 security you have here. They should ask for no
19 less.

20 ACTING PRESIDENT BAILEY: Senator
21 Tedisco to be recorded in the affirmative.

22 Senator Kaminsky to explain his
23 vote.

24 SENATOR KAMINSKY: Thank you very
25 much, Mr. President.

1 I just want to start explaining my
2 vote by going over some facts. First of all, in
3 light of changes we made to the Criminal
4 Procedure and the Health Law in the State Budget,
5 it is not the case -- I repeat, not the case --
6 that someone in emotional distress, who appears
7 to clearly be mentally ill or in some type of
8 psychotic episode, someone who would want to
9 cause mass harm, would be given an appearance
10 ticket and told to go on his or her own way.
11 That's not how the system would now work.

12 The person would be brought before a
13 judge and, if the judge believes that this person
14 is a danger to himself or others, would be
15 ordered to undergo a psychiatric evaluation that
16 could lead to in-person -- an in-person --
17 inpatient treatment, that is. And that was
18 important to include.

19 And there will now be consequences
20 for a threat of making mass harm, and I think
21 that's important and it's important that we're
22 doing it here today.

23 Remember, in light of extreme risk
24 protection orders, guns recovered at the incident
25 is not as simple as giving someone a ticket and

1 walking away. There are lots of things that this
2 law will now enable law enforcement to do to
3 defuse what might otherwise be a catastrophic
4 situation.

5 But I want to step back from this
6 actual bill to discuss the larger issue that
7 we're grappling with as a nation and as a state.
8 Because this body is emblematic of the problems
9 that we're having in Washington where each side
10 is talking past each other.

11 Of course I'm in favor of having
12 more school resource officers. That's important.
13 But what about people being shot up in movie
14 theaters and supermarkets and in the street and
15 at a concert and God knows where? Locking down
16 our schools might be one answer, but it's
17 certainly not the only one. And we continue to
18 talk past each other.

19 The idea of having a mandatory
20 psychiatric evaluation is of course important.
21 But I was here sitting on that side when we
22 continually disinvested in our state system,
23 closed down homes, and let people walk the street
24 with no pants on and just their socks. And it
25 happened in my community all the time.

1 I was here in 2018 when, after
2 Parkland, nothing happened. I was in the
3 Judiciary Committee when we brought up extreme
4 risk protection orders. And here's a real debate
5 that happened. Senator Sepúlveda opened up his
6 heart and talked about a family member, an
7 immediate family member who committed suicide.
8 And why not having guns around such a person
9 might be a good idea, and why a red flag law
10 might help. And the chair of the committee said,
11 "Well, she could have just have jumped off a
12 bridge."

13 And when we failed as a body to
14 address the issue -- and I was with students
15 marching, people were fed up -- this chamber
16 changed leadership. And I think those two things
17 are absolutely connected.

18 Why can't we both agree that we have
19 answers to this question that does involve
20 regulating guns and creating gun safety, that
21 does involve giving law enforcement more tools,
22 that does involve giving our schools more
23 security and, yes, involves not allowing people
24 to walk around with weapons of war in the State
25 of New York where no war is currently occurring,

1 except the one that a crazy person could dream up
2 any day of the week.

3 So this is a small commonsense
4 measure, but I beg us to stop talking past each
5 other. It is crazy. People want to know what is
6 the future of our country when we can't protect
7 our children, when we can't protect our
8 supermarkets, that someone going to buy a bag of
9 carrots doesn't come home.

10 We can do this together. And our
11 state, at least, is stepping up. The problem is
12 you can go into Pennsylvania or anywhere else and
13 evade a lot of this. So we need more than just
14 us. But I'll be damned to do nothing and watch
15 this happen.

16 I vote in the affirmative. I'm
17 sorry it took two massacres to get this law done,
18 but we're doing it. Thank you, Mr. President.

19 ACTING PRESIDENT BAILEY: Senator
20 Kaminsky to be recorded in the affirmative.

21 Announce the results.

22 THE SECRETARY: In relation to
23 Calendar 1845, those Senators voting in the
24 negative are Senators Ramos and Salazar.

25 Ayes, 61. Nays, 2.

1 ACTING PRESIDENT BAILEY: The bill
2 is passed.

3 Senator Gianaris.

4 SENATOR GIANARIS: Mr. President,
5 can we now move to Calendar 473, and then take
6 the remaining bills on the controversial calendar
7 in order from there.

8 ACTING PRESIDENT BAILEY: The
9 Secretary will ring the bell.

10 The Secretary will read.

11 THE SECRETARY: Calendar Number
12 473, Senate Print 7855A, by Senator Kennedy, an
13 act to amend the Racing, Pari-Mutuel Wagering and
14 Breeding Law.

15 ACTING PRESIDENT BAILEY: Senator
16 Borrello.

17 SENATOR BORRELLO: Mr. President,
18 will the sponsor yield for some questions.

19 ACTING PRESIDENT BAILEY: Senator
20 Kennedy, do you yield?

21 SENATOR KENNEDY: Thank you,
22 Mr. President, I certainly do.

23 ACTING PRESIDENT BAILEY: The
24 sponsor yields.

25 SENATOR BORRELLO: All right, thank

1 you, Senator Kennedy.

2 Can you just explain what this bill
3 does, please.

4 SENATOR KENNEDY: Sure, yeah.
5 Through you, Mr. President, this bill will
6 restructure the Western Region OTB board.

7 SENATOR BORRELLO: Mr. President,
8 will the sponsor continue to yield?

9 ACTING PRESIDENT BAILEY: Will the
10 sponsor continue to yield?

11 SENATOR KENNEDY: I do.

12 ACTING PRESIDENT BAILEY: The
13 sponsor yields.

14 SENATOR BORRELLO: And why did you
15 bring this bill forward for the Western Region
16 OTB?

17 SENATOR KENNEDY: That's a great
18 question, Mr. President.

19 This legislation is about cleaning
20 up one of the most corrupt and unethical agencies
21 in our state, the Western Region OTB, that has
22 needed to be addressed for quite some time.
23 We're going to create oversight where I believe
24 it is begging for oversight.

25 SENATOR BORRELLO: Mr. President,

1 will the sponsor continue to yield?

2 ACTING PRESIDENT BAILEY: Will the
3 sponsor continue to yield?

4 SENATOR KENNEDY: Yes.

5 ACTING PRESIDENT BAILEY: The
6 sponsor yields.

7 SENATOR BORRELLO: Well, when you
8 say oversight, it looks like it's really a shift,
9 it's a shift in who is going to be represented.

10 So can you explain how this new
11 board is going to be structured and how that's
12 going to create oversight?

13 SENATOR KENNEDY: Sure. Through
14 you, Mr. President. This legislation will amend
15 the OTB restructuring bill that we initially put
16 forward that will ensure that every community
17 that's represented by the Western OTB board has a
18 voting member.

19 Those voting members will each have
20 a proportional amount of weighted vote based upon
21 the population that that individual represents.
22 We will continue to have a member from two cities
23 that are also currently on the board, Buffalo and
24 Rochester. And then we are adding three members
25 to the board -- one appointment by the Governor,

1 one appointed by the Majority Leader of the
2 Senate, and one appointment by the leader of the
3 Assembly.

4 SENATOR BORRELLO: Mr. President,
5 will the sponsor continue to yield?

6 ACTING PRESIDENT BAILEY: Will the
7 sponsor continue to yield?

8 SENATOR KENNEDY: I will.

9 ACTING PRESIDENT BAILEY: The
10 sponsor yields.

11 SENATOR BORRELLO: You mentioned an
12 audit by the Comptroller as justification. Was
13 there a recommendation for this structure from
14 the Comptroller's office?

15 SENATOR KENNEDY: I did not mention
16 the Comptroller's audit today.

17 SENATOR BORRELLO: In the memo, I'm
18 sorry.

19 SENATOR KENNEDY: I did mention it
20 the last time we spoke of these bills, when we
21 voted on a couple of different pieces of
22 legislation that banned the use of take-home
23 vehicles for Western Region OTB and other OTBs,
24 as well as the personal use of tickets at these
25 OTBs.

1 But those, along with this, were
2 based upon an audit by the office of the State
3 Comptroller, as well as advisory opinions by the
4 Attorney General and outside legal counsel that
5 the dysfunction at the OTB and the pattern of
6 dysfunction as well as a blatant disregard for
7 the rules and the lack of accountability at the
8 Western OTB needed to be addressed.

9 I would like to add that the
10 State Comptroller is highly supportive of this
11 legislation in addressing the issues of
12 dysfunction that he put forward in his audit.

13 SENATOR BORRELLO: Mr. President,
14 will the sponsor continue to yield?

15 ACTING PRESIDENT BAILEY: Will the
16 sponsor yield?

17 SENATOR KENNEDY: I will.

18 ACTING PRESIDENT BAILEY: The
19 sponsor yields.

20 SENATOR BORRELLO: Through you,
21 Mr. President.

22 So can you explain currently how the
23 profits of the Western Region OTB are
24 distributed?

25 SENATOR KENNEDY: Sure. The

1 current profits are sent out, they're disbursed
2 by a proportional amount, depending on the
3 population of each area of that region. So based
4 on population, the finances are disbursed. And
5 based upon population, we will have
6 representation on the board.

7 SENATOR BORRELLO: Mr. President,
8 will the sponsor continue to yield?

9 ACTING PRESIDENT BAILEY: Will the
10 sponsor continue to yield?

11 SENATOR KENNEDY: I do.

12 ACTING PRESIDENT BAILEY: The
13 sponsor yields.

14 SENATOR BORRELLO: Does the sponsor
15 have any data on which counties generate the most
16 revenue for Western Region OTB?

17 SENATOR KENNEDY: Not at this
18 moment.

19 SENATOR BORRELLO: Mr. President,
20 will the sponsor continue to yield?

21 ACTING PRESIDENT BAILEY: Will the
22 sponsor continue to yield?

23 SENATOR KENNEDY: I will.

24 ACTING PRESIDENT BAILEY: the
25 sponsor yields.

1 SENATOR BORRELLO: Well, I'll
2 answer my own question for you. Batavia Downs is
3 the major revenue source, and a large job creator
4 in Genesee County.

5 So how many -- what percentage of
6 weighted vote will Genesee County have in this
7 process, considering they are the ones
8 responsible for the lion's share of the profit
9 that's generated and distributed to all the other
10 counties?

11 SENATOR KENNEDY: Through you,
12 Mr. President, which county were you referring
13 to?

14 SENATOR BORRELLO: Well, it's
15 Batavia, so it's Genesee County.

16 SENATOR KENNEDY: Genesee County.
17 And the question again?

18 SENATOR BORRELLO: They are the
19 largest generator of revenue. What percentage of
20 vote are they going to get in the weighted votes?

21 SENATOR KENNEDY: The percentage of
22 vote that Genesee County will receive is based
23 upon the population in Genesee County, just as it
24 will be determined today on how that money is
25 provided already.

1 So according to the statistics that
2 I have in front of me, Genesee County has
3 58,388 residents out of a total population of all
4 counties of over 2.5 million. You would divide
5 the population of Genesee County by the
6 population of the overall regional representation
7 of the board, and therein you will have your
8 answer.

9 However, I will add to that that,
10 you know, not everyone that gambles at
11 Batavia Downs resides in Genesee County. As a
12 matter of fact, many folks from Erie County and
13 the surrounding vicinity come to Genesee County.
14 So I think it's an important note to add to the
15 statistics that you're representing.

16 SENATOR BORRELLO: Mr. President,
17 will the sponsor continue to yield?

18 ACTING PRESIDENT BAILEY: Will the
19 sponsor continue to yield?

20 SENATOR KENNEDY: I will.

21 ACTING PRESIDENT BAILEY: The
22 sponsor yields.

23 SENATOR BORRELLO: Well, as someone
24 who operates a large entertainment venue myself,
25 I can tell you that it's the responsibility of

1 those folks at Batavia Downs to maintain the
2 infrastructure. The local government has to
3 provide order, they have to provide services,
4 everything else.

5 So I would say that they bear the
6 lion's share of it. And I understand revenue can
7 come from a number of places. But in the end,
8 they're going to have a far less say in what
9 happens and how the funds are distributed and
10 actually what happens when it comes to the
11 management of OTB. Right now they're at
12 6 percent, and that will drop in the weighted
13 vote to 1 percent. And yet the Majority Leader
14 will have 34 percent.

15 How are we going to ensure that
16 those votes are in the best interests of the
17 people of Genesee County and the surrounding
18 areas when the Majority Leader here, who I would
19 bet has never been to the Batavia Downs, is going
20 to have the lion's share of the votes?

21 SENATOR KENNEDY: Through you,
22 Mr. President. We are creating accountability by
23 ensuring that the voice of the state is
24 represented, the voice of the region is
25 represented, and the voice of the local community

1 is represented. All on a proportional basis, all
2 due to the extreme dysfunction that has been
3 demonstrated by the Western Region over many
4 years.

5 We wouldn't be having this
6 conversation today had the audits come back and
7 said they're doing a wonderful job dealing with
8 the finances at the Western Region OTB. Quite
9 the contrary. It has been several audits and
10 advisory opinions, the State Comptroller, the
11 State Attorney General. There's investigations
12 from the federal government that have taken
13 place. The Western Region OTB has hired its own
14 outside counsel that agreed with the Attorney
15 General and the Attorney General's determination.
16 There is dysfunction that needs to be addressed.

17 So what we need to do is recognize
18 the dysfunction and create a process to which the
19 people, not only in the Western Region but in
20 this great state, all of which have the
21 opportunity to utilize the services provided by
22 the Western Region OTB, to ensure that there is
23 transparency and accountability at the top of
24 that administration.

25 SENATOR BORRELLO: Mr. President,

1 will the sponsor continue to yield?

2 ACTING PRESIDENT BAILEY: Will the
3 sponsor continue to yield?

4 SENATOR KENNEDY: I will.

5 ACTING PRESIDENT BAILEY: The
6 sponsor yields.

7 SENATOR BORRELLO: Senator Kennedy,
8 I believe all the other regional OTBs were also
9 audited and investigated. How did they do in
10 their audits and investigations, and what
11 remedies are we suggesting for them?

12 SENATOR KENNEDY: Through you,
13 Mr. President, I happen to reside out in the
14 Western Region of this state. I am a
15 Buffalonian. And we're starting with the
16 Western Region OTB because from the audits that
17 I've seen from the State Comptroller, I know for
18 a fact that the egregious dysfunction that's been
19 demonstrated needs to be addressed.

20 We'll have plenty of time to address
21 the other regions if my colleague would like to
22 do that.

23 I think for today's purposes and the
24 purpose of this legislation, I think it's
25 important that we put in the additional state

1 oversight. You know, we've heard from the
2 community that has made it very clear that
3 oversight is necessary.

4 You know, I think it's important
5 here, since we're on the issue of why we're doing
6 this today, the financial and ethical
7 improprieties that have been demonstrated, to
8 point them out.

9 In 2008 the Attorney General's
10 office concluded that OTB board members are not
11 legally authorized to receive health insurance
12 benefits. Eleven years later, in 2019, the OTB,
13 as I already mentioned, hired a prominent law
14 firm to provide an opinion, an independent
15 opinion on whether these board members were
16 entitled to the health benefits on their own, and
17 they agreed with the Attorney General's
18 assessment that they're not legally authorized.
19 But yet today, they continue to receive that
20 benefit.

21 In 2020, despite receiving over
22 \$3 million in federal aid through the PPP program
23 from the federal government, the Western OTB
24 furloughed 300 workers and is continuing to deal
25 with closed facilities.

1 You know, there is, again, story
2 after story. I could go on, Mr. President. For
3 the purposes of time, I will hold it to that, but
4 I could go on and on about what we believe, in
5 the best interests of the public, is there needs
6 to be serious reforms at the Western Region OTB
7 to rein in the dysfunction and to create
8 transparency and accountability at the top.

9 SENATOR BORRELLO: Mr. President,
10 on the bill.

11 ACTING PRESIDENT BAILEY: Senator
12 Borrello on the bill.

13 SENATOR BORRELLO: Senator Kennedy,
14 thank you very much for your engagement today.

15 I don't think that we're addressing
16 corruption here. What we're doing is we're
17 shifting this. You're shifting the
18 accountability away and actually giving more
19 authority to a very small group of people. In
20 fact, the four people in Erie County will now
21 have 60 percent of the vote. There are several
22 counties listed here that are all involved in
23 Western Region OTB, but Erie County is going to
24 control the table. So I think we're just
25 swapping one corruption for potentially another

1 corruption, and less transparency instead of more
2 transparency.

3 But more importantly, the small
4 communities like Genesee County, like -- you
5 know, the small rural counties where these are
6 job creators, where this is important revenue,
7 are going to be silenced. They're going to have
8 1 percent, 1 percent, 2 percent, zero percent to
9 a weighted vote in Erie County.

10 So I don't see how this solves the
11 problem. I think what this does is it shifts it
12 actually from Republican-leaning counties and a
13 bipartisan, really, group of people that all had
14 an equal -- essentially equal vote, to
15 Erie County and to here in Albany. And I think
16 one thing we've learned about Albany is they're
17 not really good at fixing corruption. So that's
18 probably not going to work.

19 I think it's going to be unfair, and
20 ultimately I think it's going to be a problem;
21 we're going to replace one problem with another
22 problem. We've got a lot of corruption in
23 New York State government, I don't disagree with
24 that. I don't think this is a solution.

25 Thank you, Mr. President.

1 ACTING PRESIDENT BAILEY: Thank
2 you, Senator Borrello.

3 Are there any other Senators wishing
4 to be heard?

5 Senator Rath, are you on the bill or
6 are you going to explain your vote?

7 SENATOR RATH: Explain my vote.

8 ACTING PRESIDENT BAILEY: Senator
9 Rath to explain his vote when the time comes.

10 SENATOR RATH: Thank you,
11 Mr. President.

12 ACTING PRESIDENT BAILEY: No,
13 Senator, when the time comes. I'm sorry, Senator
14 Rath.

15 Seeing and hearing none, the debate
16 is closed. The Secretary will ring the bell.

17 Read the last section.

18 THE SECRETARY: Section 2. This
19 act shall take effect on the 120th day after it
20 shall have become a law.

21 ACTING PRESIDENT BAILEY: Call the
22 roll.

23 (The Secretary called the roll.)

24 ACTING PRESIDENT BAILEY: Senator
25 Rath to explain his vote.

1 SENATOR RATH: Thank you,
2 Mr. President. I rise to explain my vote here.

3 And there's no doubt that the
4 Western Region OTB has some problems and some
5 challenges, and improvements most certainly must
6 be made.

7 However, what we have before us
8 today is not an improvement. Instead, what the
9 Majority has opted to do is to take action before
10 us for no reason other than political gain.

11 I have no clue why the Governor has
12 appointments to this board in its restructured
13 proposal. Also I'm not sure why the Western
14 Region OTB is the only target when there is
15 corruption across the state on OTBs. Twelve of
16 the 14 counties that are part of the
17 Western Region OTB are rural. And what we have
18 here today is a bill that blatantly reduces the
19 voices of all 12 of those rural counties.

20 Specifically, in my district, we are
21 potentially and significantly weakening the
22 representation of Genesee County. This
23 legislation silences their needs and concerns,
24 and that is the very municipality that hosts the
25 Western Region OTB as well as Batavia Downs.

1 For Genesee County to be left
2 without significant presence on this board is
3 outrageous, it's ridiculous, and it's
4 inappropriate. It's all three of those things
5 because they are the largest revenue producer for
6 the Western Region OTB. Their voice should be
7 respected, and it's being disrespected with a 1
8 percent weighted proportional representation.

9 To be clear, what we have before us
10 today will not address the problems facing the
11 Western Region OTB. Rather, it silences the
12 communities most impacted by the Western Region
13 OTB, particularly Genesee County and Batavia
14 Downs.

15 So for these reasons, Mr. President,
16 I'll be voting in the negative. Thank you.

17 ACTING PRESIDENT BAILEY: Senator
18 Rath to be recorded in the negative.

19 Senator Kennedy to explain his vote.

20 SENATOR KENNEDY: Thank you,
21 Mr. President.

22 To close? I'll -- I'll defer.

23 ACTING PRESIDENT BAILEY: Senator
24 Kennedy to defer.

25 Senator Helming to explain her vote.

1 SENATOR HELMING: Thank you,
2 Mr. President.

3 So I rise to express why I will be
4 voting no on this bill. This is nothing more
5 than a purely political bill. Let's call it for
6 what it is.

7 The sponsor talked about state
8 oversight. The Comptroller does audits every
9 single week -- of schools, of towns, cities,
10 villages. But this is targeted at one OTB.

11 State oversight? That's not what
12 this is about. This is stripping away the voices
13 of our rural counties -- Wyoming, Chautauqua,
14 Cayuga, Genesee, Livingston, Schuyler, Seneca,
15 Niagara, Oswego, Cattaraugus and Orleans --
16 telling all of these counties that they cannot
17 have equal representation. Saying to them, We're
18 taking away your voice and we're replacing it
19 with appointments by the Democrats in the state:
20 The Governor, a representative appointed by the
21 Majority Leader of the Senate, a representative
22 appointed by the Speaker of the Assembly.

23 That's wrong. And that's why people
24 are sick and tired, they're fed up of one-party
25 rule in this state. This is wrong.

1 To crush and silence the voices of
2 the rural communities, replace them with big-city
3 voices and people who are not familiar with their
4 activities, is wrong, and I vote no.

5 ACTING PRESIDENT BAILEY: Senator
6 Helming to be recorded in the negative.

7 Senator Kennedy to explain his vote.

8 SENATOR KENNEDY: Thank you,
9 Mr. President.

10 Well, I suppose I'm glad that I
11 deferred so I could clean up the record here,
12 Mr. President.

13 Let me just start by saying that a
14 lot of what I've heard from my colleagues across
15 the aisle that want to put politics before good
16 policy is just simply unfortunate, and I believe
17 that the people of this state deserve better.

18 You know, why is it that someone who
19 resides in Erie County, that has a population of
20 over 950,000, shouldn't have a proportional vote
21 to that population when someone in another county
22 represented on the board -- by the way, today --
23 has a population that is 53 times less?

24 You know, it's unfortunate that my
25 colleagues are trying to politicize something

1 that the Comptroller of the State of New York,
2 through his audits, has demonstrated needs
3 significant solutions to.

4 And that's what we're providing
5 today. We're cleaning up the dysfunction at the
6 Western Region OTB by providing a board vote
7 that's proportional to the population it serves,
8 plain and simple. And at the same time we're
9 ensuring that that vote is in line with the way
10 that the money is disbursed already.

11 So this legislation is simply about
12 cleaning up one of the most corrupt and unethical
13 agencies in the state, the Western OTB. It's a
14 creation of the state. This isn't some random
15 corporation, this is a creation of the state,
16 controlled by the legislation we put forward.
17 But this creation of the state has time and time
18 again willfully ignored the audits of the
19 Comptroller, the Attorney General, even their own
20 outside counsel.

21 What sense does that make? Does
22 that fall in line with serving the taxpayers
23 they're supposed to be representing? I certainly
24 don't think so.

25 This is a pattern of dysfunction

1 that's gone on year after year. And we're here
2 to change that today. We need a board that's
3 representative of the people of the Western
4 Region, a board voting structure that's based on
5 population, not politics. This organization
6 clearly needs additional state oversight, which
7 is why this bill adds members appointed by the
8 Executive and by the leaders of the Legislature.

9 And for far too long, the
10 Western OTB has been a dumping ground for
11 political patronage, leading to lavish benefits
12 for executives and board members and their
13 families, while the taxpayers of the Western
14 Region have been stuck with the bill.

15 Enough is enough. This hasn't been
16 a one-and-done type of situation, either. This
17 has been a pattern of behavior over decades. And
18 it's clear that a slap on the hand isn't going to
19 fix this problem long term.

20 The OTB has said they're already
21 taking steps to correct these offenses. And if
22 they truly are, then they shouldn't mind us
23 holding them and future boards accountable, and
24 holding them to their word.

25 This bill is one of a series that

1 I've introduced to directly address the misuse of
2 power and funds at the OTB. They're commonsense
3 reforms, simply put. And quite frankly, they're
4 long overdue.

5 Comptroller DiNapoli, as I mentioned
6 earlier, is incredibly supportive of this
7 legislation advancing. And I am very proud of
8 this Democratic Conference for showing that
9 there's little tolerance for the kind of behavior
10 indicated in the Comptroller's report. Taxpayers
11 deserve accountability, they deserve
12 transparency, they deserve better, and today
13 we're delivering on that.

14 I want to thank Majority Leader
15 Andrea Stewart-Cousins for bringing this
16 important bill to the floor today. And I want to
17 thank my colleagues for their vote in the
18 affirmative.

19 Thank you, Mr. President. I vote
20 aye.

21 ACTING PRESIDENT BAILEY: Senator
22 Kennedy to be recorded in the affirmative.

23 Announce the results.

24 THE SECRETARY: In relation to
25 Calendar 473, those Senators voting in the

1 negative are Senators Akshar, Borrello, Boyle,
2 Cooney, Gallivan, Griffo, Helming, Jordan, Lanza,
3 Martucci, Mattera, Oberacker, O'Mara, Ortt,
4 Palumbo, Rath, Ritchie, Serino, Stec, Tedisco and
5 Weik.

6 Ayes, 42. Nays, 21.

7 ACTING PRESIDENT BAILEY: The bill
8 is passed.

9 The Secretary will ring the bell.

10 The Secretary will read.

11 THE SECRETARY: Calendar Number
12 982, Assembly Print Number 1451A, by
13 Assemblymember Santabarbara, an act to amend the
14 Agriculture and Markets Law.

15 ACTING PRESIDENT BAILEY: Senator
16 Borrello.

17 SENATOR BORRELLO: Hello again,
18 Mr. President.

19 ACTING PRESIDENT BAILEY: Good to
20 see you.

21 SENATOR BORRELLO: Yes, same here.
22 Will the sponsor yield for a
23 question.

24 ACTING PRESIDENT BAILEY: Will the
25 sponsor yield?

1 SENATOR SKOUFIS: Of course.

2 ACTING PRESIDENT BAILEY: The
3 sponsor yields.

4 SENATOR BORRELLO: Through you,
5 Mr. President. Thank you, Senator Skoufis.

6 I understand the purpose of this
7 bill is to ensure that those who use propane gas
8 to heat their homes may be able to essentially
9 self-declare a state of emergency, which isn't
10 something -- it's normally an authority that's
11 given to a government and not an individual.

12 SENATOR SKOUFIS: Through you,
13 Mr. President, I appreciate the question.

14 So the -- it's not -- I would not
15 characterize the bill as simply as you just did
16 through this self-declaration process. There are
17 very specific circumstances that need to be met
18 before the provisions of this bill are triggered.

19 For example, a federal, state or
20 local state of emergency can be declared. That
21 is one possible trigger.

22 I think the one that you're
23 referring to is an option whereby there is a
24 severe weather event or some other similar
25 debilitating circumstance that puts an individual

1 in imminent danger or may result in significant
2 damage to their building due to lack of heat.

3 So it's not quite as open-ended as
4 you just characterized. There needs to be --
5 there are these very specific criteria that must
6 be met.

7 SENATOR BORRELLO: Mr. President,
8 will the sponsor continue to yield?

9 ACTING PRESIDENT BAILEY: Will the
10 sponsor yield?

11 SENATOR SKOUFIS: Yes.

12 ACTING PRESIDENT BAILEY: The
13 sponsor yields.

14 SENATOR BORRELLO: Well, I realize
15 there are specific criteria. But isn't this
16 still a self-declaration regardless?

17 They can say, Well, I live out here
18 in the rural areas -- like I represent -- and
19 it's snowing right now, and I didn't pay my bill
20 to my current propane supplier, and I'm in crisis
21 of running out and I'm declaring an emergency
22 because I may not be able to heat my home because
23 I haven't paid my bill and I can't get a refill.

24 SENATOR SKOUFIS: Through you,
25 Mr. President, I appreciate the scenario that was

1 just shared. But under that scenario, no, the
2 provisions of this bill would not apply, because
3 there was not some severe weather event or other
4 similar circumstances that would apply the
5 provisions to be triggered here.

6 I also want to point out that in
7 order for an alternative company to deliver
8 propane to a homeowner, there needs to be an
9 effort in good faith for that customer to reach
10 out to their original, their existing company.
11 And only if that company cannot provide for a
12 delivery within 24 hours or the regularly
13 scheduled delivery pursuant to their contract,
14 then if these other criteria are met, may the
15 customer go out and seek an alternative.

16 SENATOR BORRELLO: Mr. President,
17 will the sponsor continue to yield?

18 ACTING PRESIDENT BAILEY: Will the
19 sponsor yield?

20 SENATOR SKOUFIS: Yes.

21 ACTING PRESIDENT BAILEY: The
22 sponsor yields.

23 SENATOR BORRELLO: Well, 24 hours
24 is kind of a short notice. I can tell you that
25 those folks who have propane gas -- you know, the

1 technology is there for their suppliers to
2 monitor the amount in there, that they should get
3 to a point where they still have several days,
4 not 24 hours.

5 If they've gotten to the point --
6 anyone who has propane, who operates off
7 propane -- I know lots of people. If you've
8 gotten to where you have less than 24 hours of
9 gas, you really have been irresponsible. But
10 also you have the ability to have your supplier,
11 usually at no charge to you, put a monitor where
12 they can remotely monitor that amount of gas.

13 So I guess my question is -- I'm
14 going to go back to my first question -- is who
15 is going to determine whether or not they have
16 met the criteria? You said they have to meet
17 certain criteria. But if they call up a
18 competitor, the person that doesn't own that
19 tank, a different propane supplier and say, Hey,
20 I meet the criteria of this new state law and I
21 want you to come and fill my tank, who's going to
22 determine that that's okay or not?

23 SENATOR SKOUFIS: Through you,
24 Mr. President, I appreciate the question.

25 I do just want to clarify one thing

1 that my colleague stated, and that is that the
2 fulfillment of that good-faith effort must be
3 made within 24 hours. The 24 hours is applicable
4 to that, not the -- I think you misinterpreted
5 what the 24 hours pertains to.

6 But to answer your question, look,
7 there are regs that will be developed by the
8 Department of Ag & Markets that will speak to I
9 think some of the guardrails that you're looking
10 to have in place.

11 But, you know, I do think -- look,
12 what happened this past winter, what happened a
13 couple of winters ago, there were situations
14 where you had young families in negative 5 degree
15 weather in the dead of winter with an infant in
16 their home, not able to heat and keep their
17 families safe because one company in particular
18 was so derelict in their responsibilities they
19 were not even responding to phone calls.

20 And so in those kinds of situations
21 where you're trying to protect your family and
22 you can't heat your home, this needs to be in
23 place so that you can, within reason, in
24 emergency circumstances, go out and find an
25 alternative supplier so that you can keep your

1 family safe.

2 SENATOR BORRELLO: Mr. President,
3 on the bill.

4 ACTING PRESIDENT BAILEY: Senator
5 Borrello on the bill.

6 SENATOR BORRELLO: You know, I've
7 spoken to a lot of people in the propane
8 business. I have friends and relatives in the
9 business. And the bottom line is they make every
10 effort to deliver.

11 And there are a lot of competitors.
12 I realize that perhaps over in your neck of the
13 woods, Senator Skoufis, maybe there's not enough
14 competitors. But where I live, there's a lot of
15 them, and they're all willing to do whatever they
16 can -- and do whatever they can, even in the
17 harshest weather conditions in the most remote
18 parts of New York State, to make sure that those
19 people don't run out of gas.

20 That's why they have the technology
21 in place to ensure that, barring some really
22 strange unforeseen circumstance, they can
23 predict -- and they know -- when those people
24 will need to have a refill. And they make every
25 effort to do so.

1 But what this bill does is it's
2 going to allow bad actors to come in and say --
3 and particularly those folks that are
4 homeowners -- and say, You know what, I ran up my
5 bill over here, I don't own the tank, but I can
6 call this guy down the street and he'll come and
7 fill this tank and I don't have to worry about
8 paying that bill over here. And then do that
9 again to the next person.

10 And unfortunately, that's going to
11 create a situation where you're going to have
12 less choices. People aren't going to want to
13 deliver propane. And that is a greater risk than
14 anything -- any of these rare circumstances that
15 we've heard occur. This is going to create a
16 much more common circumstance and also a
17 liability issue.

18 The company that owns that propane
19 tank owns it because they're leasing it to that
20 person. Now, every homeowner has a chance and
21 the opportunity to buy the tank, and then they
22 can have anybody fill it any time they want, they
23 don't have to stick with a particular supplier.

24 But if you don't do that, or you
25 can't afford to do that, that tank is owned and

1 is the liability and the property of the company
2 that's delivering the propane gas.

3 You're now going to let a competitor
4 come in who has really no responsibility to
5 ensure that they're safely and correctly filling
6 the tank, and no responsibility or liability if
7 something goes wrong. Propane's a very dangerous
8 gas. It explodes. And somebody who doesn't know
9 what they're doing could create a dangerous
10 situation.

11 So I understand the problem you're
12 trying to solve, but you're creating a new
13 problem, several new problems with this bill.
14 And that's really the ultimate problem here.
15 This is going to essentially encourage people to
16 do fraudulent things while also creating new
17 liabilities for the companies that ultimately may
18 decide that they don't want to be in the
19 business. Which will create less choice and less
20 opportunity and more dangerous situations.

21 So, Mr. President, I vote no when
22 the time comes. Thank you.

23 ACTING PRESIDENT BAILEY: Thank
24 you, Senator Borrello.

25 Are there any other Senators wishing

1 to be heard?

2 Seeing and hearing none, debate is
3 closed. The Secretary will ring the bell.

4 Read the last section.

5 THE SECRETARY: Section 3. This
6 act shall take effect on the 120th day after it
7 shall have become a law.

8 ACTING PRESIDENT BAILEY: Call the
9 roll.

10 (The Secretary called the roll.)

11 ACTING PRESIDENT BAILEY: Announce
12 the results.

13 THE SECRETARY: In relation to
14 Calendar 982, those Senators voting in the
15 negative are Senators Akshar, Borrello, Griffo,
16 Jordan, Lanza, Mattera, Oberacker, O'Mara, Ortt,
17 Palumbo, Rath, Ritchie, Stec, Tedisco and Weik.

18 Ayes, 48. Nays, 15.

19 ACTING PRESIDENT BAILEY: The bill
20 is passed.

21 THE SECRETARY: Calendar Number
22 1199, Senate Print 670, by Senator Sanders, an
23 act to amend the General Municipal Law and the
24 Banking Law.

25 ACTING PRESIDENT BAILEY: Senator

1 Borrello.

2 SENATOR BORRELLO: Mr. President, I
3 rise to ask a question of the sponsor, if he
4 shall yield.

5 ACTING PRESIDENT BAILEY: It's been
6 a while, Senator Borrello.

7 Senator Sanders, do you yield?

8 SENATOR SANDERS: Absolutely,
9 Mr. President.

10 SENATOR BORRELLO: Through you,
11 Mr. President. Hello again, Senator Sanders.
12 Good to see you.

13 SENATOR SANDERS: Me too.

14 SENATOR BORRELLO: We've talked
15 about this in the Bank Committee several times.
16 I think you're aware of my position on this.

17 But I just want to start off by
18 asking a few questions on this bill. I
19 understand that credit unions in particular are
20 prolific across our state. But just answer the
21 first question, just for the benefit of those who
22 are watching.

23 Do credit unions pay corporate taxes
24 to New York State or to the federal government?

25 SENATOR SANDERS: Through you,

1 Mr. President -- I'll take that as a yes -- they
2 don't pay those particular taxes, but they pay
3 many others, sir.

4 SENATOR BORRELLO: Mr. President,
5 will the sponsor continue to yield.

6 ACTING PRESIDENT BAILEY: Will the
7 sponsor yield?

8 SENATOR SANDERS: Absolutely.

9 ACTING PRESIDENT BAILEY: The
10 sponsor yields.

11 SENATOR BORRELLO: Do credit unions
12 pay sales tax to New York State?

13 SENATOR SANDERS: Mr. President,
14 credit unions often pay federal, state and local
15 taxes, including real and personal property taxes
16 and employment taxes, sir.

17 SENATOR BORRELLO: Mr. President,
18 will the sponsor continue to yield.

19 ACTING PRESIDENT BAILEY: Will the
20 sponsor continue to yield?

21 SENATOR SANDERS: Absolutely.

22 ACTING PRESIDENT BAILEY: The
23 sponsor yields.

24 SENATOR BORRELLO: For the
25 downstate credit unions, do they pay the

1 Metropolitan Transportation business tax
2 surcharge, which is required of every business
3 and not-for-profit in the 12 downstate counties?

4 SENATOR SANDERS: As a
5 non-for-profit corporation, no, sir, they would
6 not.

7 SENATOR BORRELLO: Mr. President,
8 will the sponsor continue to yield.

9 ACTING PRESIDENT BAILEY: Will the
10 sponsor yield?

11 SENATOR SANDERS: Absolutely.

12 ACTING PRESIDENT BAILEY: The
13 sponsor yields.

14 SENATOR BORRELLO: Are credit
15 unions required to participate in the New York
16 State or federal Community Reinvestment Act?

17 SENATOR SANDERS: Not at this
18 moment. Through you, Mr. President, not at this
19 moment. That's forthcoming. I'm working on a
20 bill on that.

21 SENATOR BORRELLO: Mr. President,
22 will the sponsor continue to yield?

23 ACTING PRESIDENT BAILEY: Will the
24 sponsor yield?

25 SENATOR SANDERS: Absolutely.

1 ACTING PRESIDENT BAILEY: The
2 sponsor yields.

3 SENATOR BORRELLO: When it comes to
4 federally insured deposits, how do credit unions
5 work -- stand on that area as far as
6 participating in the federal deposit insurance
7 program?

8 SENATOR SANDERS: Through you,
9 Mr. President -- I'll take that as a yes -- they
10 are insured through their federal deposit -- I'm
11 sorry, National Credit Union Share Insurance.
12 They are guaranteed that way, sir.

13 SENATOR BORRELLO: Thank you,
14 Mr. President. Will the sponsor continue to
15 yield?

16 ACTING PRESIDENT BAILEY: Will the
17 sponsor continue to yield?

18 SENATOR SANDERS: Absolutely.

19 ACTING PRESIDENT BAILEY: The
20 sponsor yields.

21 SENATOR BORRELLO: So this bill
22 proposes essentially that taxpayer money, whether
23 it be property taxes from a county government or
24 other taxes, could -- instead of being deposited
25 in a local community bank that's paying taxes,

1 could be deposited into a credit union that's not
2 paying taxes. Is that correct?

3 SENATOR SANDERS: Through you,
4 Mr. President. No, that's not correct, sir.

5 The origin of this bill comes from
6 a -- there was a time when the majority was
7 Republican, and they requested that some of us
8 come up and see the conditions of the North
9 Country. And I was one of those people who went
10 out there, and I looked at the conditions of
11 Watertown, of other places, and saw the economic
12 devastation that was taking place in communities
13 like that.

14 I made a promise to the people of
15 Watertown, and a promise to many others, that we
16 were going to do something about this. And this
17 bill is an attempt to do that. And this is why
18 we are supported by the New York State Conference
19 of Mayors and Municipal Officials, the New York
20 State Association of Counties, the New York State
21 School Boards Association, and many more
22 organizations that understand that they need to
23 have financial institutions in their communities,
24 local ones, that they can put their money in.

25 And may I remind you that this is a

1 voluntary program, that the mayors don't have to
2 do it. But if they see that they can get a good
3 return for their local communities, the
4 communities of Watertown, Floral Park, Webster,
5 Beacon, Fishkill, Rome, Ulster and Warwick and
6 others -- if they could get a return in those
7 communities, then I think that we should let the
8 laws of capitalism work. Let them have some
9 choice.

10 SENATOR BORRELLO: Will the sponsor
11 continue to yield.

12 ACTING PRESIDENT PERSAUD: Does the
13 sponsor yield?

14 SENATOR SANDERS: Madam, you've
15 changed. But yes. Yes.

16 (Laughter.)

17 ACTING PRESIDENT PERSAUD: The
18 sponsor yields.

19 SENATOR BORRELLO: It's a nice
20 change of scenery, Madam President.

21 Well, you're making the assumption
22 that these current government entities don't have
23 a banking relationship and they need one. And I
24 understand and I appreciate the fact that you've
25 come upstate and you've seen the economic

1 devastation, and certainly it does exist.

2 But part of that problem is that
3 you're assuming that they don't have a banking
4 relationship now. They all must. Every county,
5 every municipality you just mentioned, they
6 already have banking relationships.

7 What we're going to do now is we're
8 going to take those community banks that are
9 themselves taxpayers, property taxpayers,
10 employers, and we're going to create unfair
11 competition, are we not, by allowing credit
12 unions, who aren't paying the same load as far as
13 taxes, to be able to compete with those community
14 banks that are paying taxes. Isn't that really
15 what would happen here?

16 SENATOR SANDERS: Through you,
17 Madam President, no, I wouldn't see it that way.

18 I would suggest to you that it's the
19 largest banks that are competing against the
20 smaller community banks. That this voluntary
21 program allows the local mayor, aided by all of
22 people in the local communities, to decide which
23 of these offer the best return for their
24 community. Often these smaller communities are
25 not putting it in their local banks, they're

1 driving miles, hours away to put it into some
2 larger bank.

3 Why not trust the people of Floral
4 Park, Watertown, et cetera, et cetera, to make
5 the right decisions? Let them choose which one
6 they wish. And if they see fit to go with the
7 banks that they've been going with, this is a
8 voluntary program. This is good. But they
9 should -- capitalism works best with competition,
10 and they need to have some competition.

11 SENATOR BORRELLO: Okay. Madam
12 President, on the bill.

13 ACTING PRESIDENT PERSAUD: Senator
14 Borrello on the bill.

15 SENATOR BORRELLO: Senator Sanders,
16 thank you very much. Once again, you and I have
17 talked about this time and time again in the
18 Banks Committee, and I'm happy to serve as the
19 ranking member on the Banks Committee with you.

20 But you and I have disagreed on this
21 since Day One. And the reason is, Madam
22 President, is that this is creating unfair
23 competition. Credit unions used to be a small
24 specialty group. I remember my first car loan
25 was with a local credit union, and I was able to

1 get a decision at the local level.

2 That's really what the essence of a
3 credit union is, to serve a particular group of
4 people -- whether it's a group of people that
5 work for the same company, a group of people that
6 live in the same community, that are in the same
7 trade -- that has a specialty because they are
8 not-for-profit and they can provide a better
9 return, better rates on loans to serve that
10 specific population.

11 But what they have morphed into now
12 are behemoths that are not paying the same share,
13 the fair share that other community banks are.
14 They are billions of dollars in assets, foreign
15 investments. These credit unions have become
16 very much like some of our hospital organizations
17 where you've got multiple six-figure salaries,
18 high-paid members of boards of directors, and
19 patronage jobs. And they have created unfair
20 competition.

21 Now, we're talking about a very
22 fundamental thing here. We're talking about a
23 municipality, a county that collects property
24 taxes -- and they're going to take those taxes
25 and they're going to deposit it in an institution

1 that doesn't pay those taxes. That's the
2 fundamental problem here. They are going to take
3 and get a little better rate because they're not
4 paying the same load as our community banks are,
5 and they're going to take property taxes, sales
6 tax revenues, investments on -- vehicle
7 investments. And we're going to be able to get a
8 little bit better rate than that community bank
9 that relies on those deposits and has for years.

10 We're not creating a level playing
11 field. In fact, we're creating an unlevel
12 playing field. And credit unions are not what
13 they used to be. They are big business. And
14 they're a big business that does not participate
15 in some of the basics, in some of the -- well,
16 like paying these taxes. Like in -- you know,
17 like in making sure that those funds are secured
18 properly. Like participating, as I mentioned, in
19 the Community Reinvestment Act, which other
20 banks are required to do. All those things that
21 we tell our other banks to do, credit unions do
22 not have to comply with. And that's why this is
23 not fair.

24 But it's more than not fair. New
25 York State's going to lose a lot of revenue here.

1 If this money is now being deposited with
2 institutions that aren't paying those taxes,
3 New York State will lose tax revenue.

4 And even those communities that
5 choose to go this route are ultimately going to
6 be hurting themselves, because they are going to
7 be hurting those community banks that are paying
8 property taxes, that are paying all the taxes
9 that the credit unions are not paying, and
10 possibly put them in a situation where they have
11 to decide whether or not they want to keep those
12 branches open in those small communities. It
13 will reduce choice, not increase choice.

14 This is a problem, and hopefully my
15 colleagues will join me in voting against this.
16 No deference to Senator Sanders -- I know your
17 heart is in the right place, sir -- but this is
18 not the right way to go about this.

19 Madam President, I'll be a no when
20 it comes time to vote. Thank you.

21 ACTING PRESIDENT PERSAUD: Thank
22 you.

23 Are there any other Senators wishing
24 to be heard?

25 Seeing and hearing none, the debate

1 is closed. The Secretary will ring the bell.

2 Read the last section.

3 THE SECRETARY: Section 13. This
4 act shall take effect on the 90th day after it
5 shall have become a law.

6 ACTING PRESIDENT PERSAUD: Call the
7 roll.

8 (The Secretary called the roll.)

9 ACTING PRESIDENT PERSAUD:
10 Senator Sanders to explain his vote.

11 SENATOR SANDERS: Thank you,
12 Madam President.

13 I just have faith that the mayors of
14 all of these small places can do math, that they
15 can sit up and see what is the best for their
16 particular community. I have faith that they can
17 get together with the School Boards Association
18 and the Association of Counties, and they can all
19 sit together and decide, since this is a
20 voluntary program, is this the program that is
21 best for them. I think that it's just a question
22 of making sure that people have choices.

23 And if -- there are some large
24 credit unions. The majority are small, the local
25 ones to their particular town. And under those

1 conditions, it's better to have your money go to
2 your town than drive it 50 miles away, 100 miles
3 away, and put it in some other bank. In your
4 town, your money circulates.

5 And that's the faith that I have,
6 and that's why I'm voting for this and in support
7 of the New York State Conference of Mayors and
8 Municipal Officials, the New York State
9 Association of Counties, the New York State
10 School Boards Association, and I'm sure others.

11 Thank you very much.

12 ACTING PRESIDENT PERSAUD: Senator
13 Sanders to be recorded --

14 SENATOR SANDERS: It was a great
15 debate.

16 ACTING PRESIDENT PERSAUD: Senator
17 Sanders to be recorded in the affirmative.

18 Announce the results.

19 THE SECRETARY: In relation to
20 Calendar 1199, those Senators voting in the
21 negative are Senators Akshar, Borrello, Gallivan,
22 Hinchey, Jordan, Lanza, Mattera, O'Mara, Ortt,
23 Palumbo, Rath, Ryan, Savino, Stec, Tedisco and
24 Weik.

25 Ayes, 47. Nays, 16.

1 ACTING PRESIDENT PERSAUD: The bill
2 is passed.

3 THE SECRETARY: Calendar Number
4 1658, Assembly Print Number 879, by
5 Assemblymember Gottfried, an act to amend the
6 Public Health Law and the Insurance Law.

7 ACTING PRESIDENT PERSAUD: Senator
8 Oberacker.

9 (Pause.)

10 SENATOR OBERACKER: Yes.

11 (Laughter.)

12 ACTING PRESIDENT PERSAUD: Senator
13 Oberacker, why do you rise?

14 SENATOR OBERACKER: Yes,
15 Madam President. I rise to see if the bill
16 sponsor would answer some questions, please.

17 ACTING PRESIDENT PERSAUD: Senator
18 Cleare, do you yield?

19 SENATOR CLEARE: Yes, I yield.

20 ACTING PRESIDENT PERSAUD: The
21 sponsor yields.

22 SENATOR OBERACKER: Thank you,
23 Madam President, for my lack of speed on this.

24 And thank you, Senator Cleare, to
25 answer some questions.

1 Through you -- Mr. President.

2 (Laughter.)

3 SENATOR OBERACKER: Wow. Very
4 good.

5 How would this bill account for the
6 subspecialties that it's looking to require?

7 SENATOR CLEARE: I'm not sure I
8 understand your question.

9 SENATOR OBERACKER: So we have
10 currently these medical necessity determinations
11 are made by licensed physicians who would consult
12 with specialist physicians when needed. So this
13 is a fair and effective way, I think, to handle a
14 large number of claims submitted.

15 In contrast, this proposed
16 legislation presents a widely and an expensive
17 process by adding in another layer, if you will,
18 of specialists. And so what I was wondering is
19 how are these -- how does this bill account for
20 that? How do we vet, if you will, these
21 subspecialties?

22 SENATOR CLEARE: Well, I'm not sure
23 how we vet them. But the bill requires simply
24 that if care is going to be denied or subject to
25 an appeal, the individual from the health plan

1 must be somebody that's licensed in the state,
2 board-certified, and practicing in that
3 specialty.

4 SENATOR OBERACKER: Thank you.

5 Through you, Mr. President, would
6 the sponsor continue to yield.

7 ACTING PRESIDENT BAILEY: Will the
8 sponsor yield?

9 SENATOR CLEARE: I yield.

10 ACTING PRESIDENT BAILEY: The
11 sponsor yields.

12 SENATOR OBERACKER: Thank you.

13 So it appears to require that the
14 initial utilization review agent be licensed in
15 any of these specialities. So if -- like, for an
16 example, aerospace medicine is a recognized
17 specialty. Would this plan or would plans be
18 required to have an aerospace specialist on the
19 payroll?

20 Or maybe more practically, let's use
21 this example: Medicine that would be for our
22 older geriatric patients. Would this plan have
23 to be sent to a utilization review of elderly
24 patients to a geriatric specialist rather than
25 just, say, a doctor of internal medicine?

1 SENATOR CLEARE: It would only have
2 to be sent to -- it would have to be sent to a
3 peer of the doctor who is prescribing the course
4 of care.

5 So whomever that is, yes, it would
6 have to go to them.

7 SENATOR OBERACKER: Through you,
8 Mr. President, would the sponsor continue to
9 yield.

10 ACTING PRESIDENT BAILEY: Will the
11 sponsor yield?

12 SENATOR CLEARE: I yield.

13 ACTING PRESIDENT BAILEY: The
14 sponsor yields.

15 SENATOR OBERACKER: Thank you.

16 Senator Cleare, we have -- your
17 district and mine, even though we're neighbors in
18 the LOB, which is -- glad to have you. Welcome
19 to the neighborhood, so to speak.

20 The ruralness of my district is
21 something that at times I don't think is
22 considered as we look at some of the legislation
23 with travel. I know many people that have to
24 travel 18 miles one way for any type of an
25 interview or with a doctor's appointment.

1 So does this adding another layer of
2 potential -- another potential layer for
3 reviewing of these things, has that been taken
4 into account, in other words, you know, with that
5 much travel involved?

6 SENATOR CLEARE: Right. So we're
7 only talking about claims being denied in the
8 first place, right?

9 And, you know, what this bill does
10 is it actually focuses on the course of care for
11 the patient and the prescription of their doctor,
12 who is the expert, as opposed to weighing on the
13 side of profit or something else. It focuses
14 attention on making sure that someone's review
15 process is being handled by someone who
16 understands that specialty and is licensed and
17 practicing in the state.

18 SENATOR OBERACKER: Through you,
19 Mr. President, would the sponsor continue to
20 yield?

21 ACTING PRESIDENT BAILEY: Will the
22 sponsor yield?

23 SENATOR CLEARE: Yes.

24 ACTING PRESIDENT BAILEY: The
25 sponsor yields.

1 SENATOR OBERACKER: So there is
2 currently a national physician shortage, and
3 Governor Hochul has extended an executive order
4 waiving the preauthorization reviews multiple
5 times, citing the need to free up available
6 clinical staff.

7 If hospitals and providers are
8 experiencing a shortage of available doctors, how
9 will health plans be able to hire appropriate
10 personnel to uphold this mandate?

11 SENATOR CLEARE: Again, this only
12 applies when they're denying claims or delaying
13 claims. And this bill focuses on the health of
14 the patient, the best quality of care for the
15 patient.

16 SENATOR OBERACKER: Through you,
17 Mr. President, will the sponsor continue to
18 yield?

19 ACTING PRESIDENT BAILEY: Will the
20 sponsor continue to yield?

21 SENATOR CLEARE: I yield.

22 ACTING PRESIDENT BAILEY: So the
23 sponsor memo states that current utilization
24 review can result in medically necessary care
25 being inappropriately denied. Does the sponsor

1 have any evidence of this happening?

2 SENATOR CLEARE: No, I didn't say
3 that.

4 But, you know, dozens of New Yorkers
5 get denied care daily with good health plans, or
6 supposedly good health plans, employer-based,
7 private-based. But -- (conferring).

8 Well, I'll go with that. There has
9 been -- there's been support on this. I've
10 spoken to the Medical Society of the State of
11 New York, who have issued a memo of support of
12 this bill, as well as the New York Cancer and
13 Blood Specialists.

14 SENATOR OBERACKER: Thank you.

15 Through you, Mr. President, will the
16 sponsor continue to yield?

17 ACTING PRESIDENT BAILEY: Will the
18 sponsor yield?

19 SENATOR CLEARE: Yes.

20 ACTING PRESIDENT BAILEY: The
21 sponsor yields.

22 SENATOR OBERACKER: So who pays for
23 all of this expertise? You know, with plans now
24 mandated to have all of these specialists on the
25 utilization review staff, and demand for their

1 services will be exponential, specialists will be
2 able to set their fees at, I don't know, any
3 level -- whatever the market will bear. And
4 these plans have to comply.

5 So who, in essence, is going to pay
6 for this?

7 SENATOR CLEARE: This only applies,
8 first of all, if they're denying claims. And the
9 bill is really focused on people being seen or
10 being -- their cases being reviewed by people in
11 that specialty, physicians in that specialty and
12 licensed by the State of New York.

13 And this only applies to claims
14 being denied.

15 SENATOR OBERACKER: On the bill,
16 Mr. President.

17 ACTING PRESIDENT BAILEY: Senator
18 Oberacker on the bill.

19 SENATOR OBERACKER: And I would
20 like to thank my colleague for the debate and for
21 bringing forth those answers.

22 You know, this bill would require,
23 again, the initial determination of medical
24 necessity regarding a claim to be made by a
25 board-certified specialist in the same or related

1 specialty as the physician who recommended the
2 treatment under review. Essentially, it would
3 require health plans to have a plethora of
4 specialists on staff to make initial claim
5 determinations.

6 In my opinion, this is unnecessary
7 in light of the current law, which adequately
8 protects consumers by requiring that
9 board-certified specialists review the claim at
10 both intermediate and at the highest levels of
11 appeal.

12 Senate Bill 8113 is unwarranted
13 because plans often contract with specialists as
14 required by the National Committee for Quality
15 Assurance. In those cases where specialized
16 clinical judgment is necessary to make
17 appropriate coverage determinations, plan medical
18 directors must call on outside experts.

19 However, mandating this standard for
20 every denial is overburdensome and costly. And
21 the costs of providing this expertise will be
22 borne by the premium payers, at a time when
23 health insurance costs are already rising at two
24 or three times the Consumer Price Index.

25 You know, lastly, this bill states

1 that there would be no fiscal implications for
2 enacting this proposal. Clearly, clearly there
3 will be added costs for added specialty physician
4 reviews beyond those required by the NCQA. The
5 current process has plans prevailing more than
6 60 percent of the time without this costly
7 administrative requirement.

8 And for all these reasons,
9 Mr. President, I will be voting in the negative.
10 Thank you.

11 ACTING PRESIDENT BAILEY: Are there
12 any other Senators wishing to be heard?

13 Senator Cleare, on the bill or to
14 explain your vote?

15 SENATOR CLEARE: On the bill.

16 ACTING PRESIDENT BAILEY: Senator
17 Cleare on the bill.

18 SENATOR CLEARE: It's often said
19 that your health is your wealth, and this
20 statement is both literally true and contains a
21 sense of irony, as our healthcare system is
22 for-profit.

23 The bill before us, known as Peer to
24 Peer, establishes and extends an important
25 principle in law; namely, that insurance

1 companies and other plan review personnel who
2 have the power to deny or alter treatment to
3 patients that was recommended by medical
4 professionals, at the very least have the same
5 credentials, specialties, and standing as medical
6 professionals, as a prerequisite for making an
7 evaluation and review.

8 I think this is important to our
9 consumers. It will improve healthcare in
10 New York State, and I vote aye on the bill.

11 ACTING PRESIDENT BAILEY: Are there
12 any other Senators wishing to be heard?

13 Seeing and hearing none, debate is
14 closed. The Secretary will ring the bell.

15 Read the last section.

16 THE SECRETARY: Section 2. This
17 act shall take effect immediately.

18 ACTING PRESIDENT BAILEY: Call the
19 roll.

20 (The Secretary called the roll.)

21 ACTING PRESIDENT BAILEY: Announce
22 the results.

23 THE SECRETARY: In relation to
24 Calendar 1658, those Senators voting in the
25 negative are Senators Borrello, Gallivan,

1 Helming, Lanza, Martucci, Oberacker, O'Mara,
2 Ortt, Palumbo, Rath, Ritchie, Serino, Stec and
3 Tedisco.

4 Ayes, 49. Nays, 14.

5 ACTING PRESIDENT BAILEY: The bill
6 is passed.

7 THE SECRETARY: Calendar Number
8 1835, Assembly Print Number 8427, by
9 Assemblymember Galef, an act to amend the
10 Real Property Tax Law.

11 ACTING PRESIDENT BAILEY: Senator
12 Rath, why do you rise?

13 SENATOR RATH: Through you,
14 Mr. President, will the sponsor yield for some
15 questions.

16 ACTING PRESIDENT BAILEY: Senator
17 Harckham, do you yield?

18 SENATOR HARCKHAM: Through you,
19 Mr. President, absolutely.

20 ACTING PRESIDENT BAILEY: The
21 sponsor yields.

22 SENATOR RATH: Good to see you,
23 Senator Harckham.

24 SENATOR HARCKHAM: Good to see you
25 as well, sir.

1 SENATOR RATH: Got a few questions
2 here.

3 The first off is, what is the
4 general purpose of this legislation?

5 SENATOR HARCKHAM: Sure. Thank you
6 for the question.

7 Through you, Mr. President, this is
8 a three-word amendment to a bill that we passed
9 in 2020, ostensibly in response to the closure of
10 the Indian Point nuclear power plant and the loss
11 of tax revenue for the Village of Buchanan and
12 the Hendrick Hudson School District.

13 However, this is a statewide bill
14 because we know we have other nuclear power
15 plants in New York State that eventually will
16 close. They cycle out. They have a life cycle.

17 So at the time it would allow the
18 municipality to place real property value on the
19 spent casks, the concrete casks that spent fuel
20 are in, and they will be there in perpetuity. So
21 every municipality that has a nuclear power
22 plant, while the power plant is going, they're a
23 great corporate citizen, they pay the lion's
24 share of the property taxes, it's great. But
25 when they leave, the taxes go away and they are

1 left with nuclear waste in the middle of their
2 municipality and they can't repurpose that
3 property for economic development.

4 So at the time, the bill was to
5 allow them to tax the casks. The reason we did
6 not authorize them to assess the spent fuel was
7 because at the time it was believed that the
8 spent fuel belonged to the federal government.
9 And it does not.

10 The spent fuel belongs to the
11 company that's doing the decommissioning. The
12 federal government pays them to store it on that
13 location. They don't pay them enough, so our
14 taxpayers and our ratepayers have to make up the
15 difference. But this allows them to place a real
16 property value on that.

17 So for instance, the Village of
18 Buchanan, with the closure of Indian Point, lost
19 50 percent of their tax revenue {snaps fingers}
20 like that. The Hendrick Hudson School District
21 lost 30 percent of their tax revenue {snaps
22 fingers} like that.

23 And so this would allow these
24 municipalities to assess these, so essentially
25 when they're doing a PILOT agreement, these

1 are -- as the plant is being decommissioned, it
2 allows them to have another tool in the toolkit
3 in their negotiation to establish a PILOT, and it
4 protects our taxpayers and it protects our local
5 institutions.

6 SENATOR RATH: Through you,
7 Mr. President, will the sponsor continue to
8 yield.

9 ACTING PRESIDENT BAILEY: Will the
10 sponsor yield?

11 SENATOR HARCKHAM: Absolutely,
12 Mr. President.

13 ACTING PRESIDENT BAILEY: The
14 sponsor yields.

15 SENATOR RATH: Thank you for your
16 answer. That actually covered a few things, and
17 we'll get into I think a few more of the details
18 on it.

19 My first question, though, along
20 those lines is, are spent nuclear fuel rods
21 subject to sales or use tax when they are
22 acquired for use by a nuclear facility?

23 SENATOR HARCKHAM: I'm sorry, I
24 couldn't hear the question.

25 SENATOR RATH: Are they subject to

1 sales or use tax when they're acquired by a
2 nuclear facility?

3 SENATOR HARCKHAM: A sales tax when
4 they're acquired?

5 SENATOR RATH: When they're
6 acquired originally. By a facility.

7 SENATOR HARCKHAM: I would say --
8 and I am not certain, but I would say because
9 they're federally regulated materials, there's
10 probably not a local assessment on those.

11 SENATOR RATH: Okay.

12 SENATOR HARCKHAM: That would be my
13 guess. We can find more out for you.

14 SENATOR RATH: I'm curious.

15 SENATOR HARCKHAM: It's a good
16 question.

17 SENATOR RATH: Yeah, I'm curious.
18 Thank you.

19 Through you, Mr. President, will the
20 sponsor yield?

21 ACTING PRESIDENT BAILEY: Will the
22 sponsor yield?

23 SENATOR HARCKHAM: Absolutely.

24 ACTING PRESIDENT BAILEY: The
25 sponsor yields.

1 SENATOR RATH: So along those
2 lines, do you know of any other states that could
3 potentially be taxing nuclear fuel rods?

4 SENATOR HARCKHAM: Maine started
5 this. Vermont. And then based on our law in
6 2020, New Jersey was working on a law. So we are
7 not the only ones doing this.

8 SENATOR RATH: Through you,
9 Mr. President, will the sponsor continue to
10 yield.

11 ACTING PRESIDENT BAILEY: Will the
12 sponsor yield?

13 SENATOR HARCKHAM: Absolutely.

14 ACTING PRESIDENT BAILEY: The
15 sponsor yields.

16 SENATOR RATH: Under this
17 legislation, who will determine the value of the
18 spent fuel rods, spent fuel pools, and dry cask
19 storage?

20 SENATOR HARCKHAM: Through you,
21 Mr. President, that will be done by the local
22 assessors.

23 SENATOR RATH: Through you,
24 Mr. President, will the sponsor continue to
25 yield.

1 ACTING PRESIDENT BAILEY: Will the
2 sponsor yield?

3 SENATOR HARCKHAM: Absolutely.

4 ACTING PRESIDENT BAILEY: The
5 sponsor yields.

6 SENATOR RATH: Is there a proven
7 and established market for spent fuel pools,
8 spent fuel rods, and dry cask storage?

9 SENATOR HARCKHAM: Through you,
10 Mr. President, that's an excellent question.

11 The answer is no, they're not
12 allowed to by federal policy. Other countries
13 repurpose the fuel rods that are spent. In the
14 United States, that is not allowable under energy
15 policy.

16 So these will sit in perpetuity in
17 casks. And because the federal government pays
18 the decommissioning company -- not even the
19 utility anymore, or the energy generator, it's a
20 decommissioning company, that they pay them to
21 store them there. That adds inherent value to
22 them, and therefore they are allowed -- and
23 that's not even counting the millions of dollars
24 that these casks are worth. They're very
25 high-tech, concrete, steel, to keep those rods

1 safe. But they're going to be there in
2 perpetuity.

3 So the municipality is losing out on
4 the rateables, and so this allows them to tax
5 that property and at least recoup some of what
6 they're losing by not allowing other
7 private-sector enterprise to build in those
8 facilities.

9 SENATOR RATH: Through you,
10 Mr. President, will the sponsor continue to
11 yield.

12 ACTING PRESIDENT BAILEY: Will the
13 sponsor continue to yield?

14 SENATOR HARCKHAM: Absolutely.

15 ACTING PRESIDENT BAILEY: The
16 sponsor yields.

17 SENATOR RATH: Shifting gears a
18 little bit. In New York and in many other
19 states, real property is generally assessed based
20 on its full value.

21 How will assessors account for
22 federal regulations concerning the handling and
23 storage of spent fuel as well as other relevant
24 state environmental regulations?

25 SENATOR HARCKHAM: That's a very

1 good question.

2 By the time that these are placed,
3 they are in full storage. The safety and the
4 movement is closely controlled by the Nuclear
5 Regulatory Commission.

6 In New York State, we went one step
7 further. Again, in 2020 we had originally had
8 legislation for this. We ended up doing it in a
9 chapter amendment with the former governor to
10 establish a decommissioning oversight board for
11 Indian Point that can be a model moving forward,
12 with representatives of state agencies who have
13 relevant say. In fact, the PSC is in the process
14 of hiring their own inspector to be full-time on
15 the ground during the decommissioning, to
16 coordinate and oversee the safety of the
17 different agencies.

18 But the safety of nuclear fuel is
19 generally the purview of the Nuclear Regulatory
20 Commission.

21 SENATOR RATH: Mr. President, will
22 the sponsor continue to yield.

23 ACTING PRESIDENT BAILEY: Will the
24 sponsor yield?

25 SENATOR HARCKHAM: Absolutely.

1 ACTING PRESIDENT BAILEY: The
2 sponsor yields.

3 SENATOR RATH: Is the fuel rod
4 reprocessing and recycling, is that allowed in
5 the United States?

6 SENATOR HARCKHAM: Through you,
7 Mr. President, it's not. And that's a whole
8 issue we're dealing with, is that these fuel rods
9 will be stored forever in these municipalities.

10 So, you know, if you have -- through
11 you, Mr. President, if the Senator has a
12 functioning nuclear power plant in his district,
13 at some point that will close. And there is no
14 federal repository for the spent fuel. You
15 remember years ago the federal government was
16 going to try and do that repository at Yucca
17 Mountain. For whatever reason, that fell
18 through.

19 So now every local nuclear power
20 plant, all of the spent fuel must be stored on
21 the facility. And so therefore, when that
22 facility closes -- and so for instance in
23 Indian Point, the company Holtec was brought in
24 to do the decommissioning. They will take every
25 building down, go several feet down to restore

1 the property to before the power plant was there.
2 Except right in the middle there's going to be
3 four acres of spent nuclear fuel that will be
4 there in the Village of Buchanan forever, unless
5 the federal government comes with up with a
6 solution.

7 Now, this is pristine Hudson River
8 property. Could you put a hotel and a marina
9 there? Not with the spent fuel there. You know,
10 could you put a manufacturing facility? Not with
11 the spent fuel there.

12 So at least this allows a
13 municipality a little protection, and the school
14 district a little protection to assess that and
15 tax it as real property.

16 SENATOR RATH: Thank you.

17 Through you, Mr. President, will the
18 sponsor continue to yield.

19 ACTING PRESIDENT BAILEY: Will the
20 sponsor yield?

21 SENATOR HARCKHAM: Yes.

22 ACTING PRESIDENT BAILEY: The
23 sponsor yields.

24 SENATOR RATH: So since this is not
25 done in the United States, how will spent nuclear

1 fuel rods have any tangible value?

2 SENATOR HARCKHAM: I'm sorry --

3 SENATOR RATH: No problem. I saw
4 that. I saw that. I got your back. I'll ask it
5 again.

6 Since this is not done in the
7 United States right now, how will spent nuclear
8 fuel rods have any tangible value?

9 SENATOR HARCKHAM: Good question.

10 And what counsel was telling me was
11 the last facility in the United States that
12 reprocessed these rods closed in the 1970s.

13 So the value is derived in a couple
14 of ways. The value is derived because the
15 federal government pays the company to store the
16 fuel. And as we said at the beginning, they
17 don't pay them enough, so that's subsidized by
18 ratepayers and taxpayers through the
19 decommissioning fund. The federal government
20 really needs to step up.

21 So the fact that they are paying
22 them to store it on that property is value right
23 there. The casks themselves have value. And as
24 we know, you know, from our limited knowledge of
25 property law in New York, that anything that is

1 basically attached or a part of -- I think the
2 word we would use is -- well, it's affixed to.
3 Anything that's affixed to a property would also
4 yield it to be taxable.

5 And this -- this -- something that's
6 there forever, I think in a reasonable person's
7 definition, would be affixed.

8 SENATOR RATH: Through you,
9 Mr. President, will the sponsor continue to
10 yield.

11 ACTING PRESIDENT BAILEY: Will the
12 sponsor yield?

13 SENATOR HARCKHAM: Absolutely.

14 ACTING PRESIDENT BAILEY: The
15 sponsor yields.

16 SENATOR RATH: Shifting gears
17 again.

18 How will this bill impact PILOT
19 agreements for existing nuclear plants that are
20 in the process of decommissioning?

21 SENATOR HARCKHAM: A very good
22 question. And this is another tool in the
23 toolkit for municipalities and school districts
24 in negotiating PILOTs.

25 This is really a statewide bill. So

1 it was not intended to intervene in any local
2 negotiations. If it's a tool that the
3 municipality can use, that's fine.

4 But what we wanted to do was set a
5 template, because as we know, in the decades to
6 come as these plants age out and close, we want
7 to give our municipalities -- you know, yesterday
8 Senator O'Mara spoke very passionately about
9 property taxes from energy supporting our local
10 municipalities. And we've got to give them the
11 tools to do it. Because, you know, these are
12 small school districts, small municipalities.
13 And I know from colleagues upstate they're the
14 same types of communities.

15 SENATOR RATH: Through you,
16 Mr. President, will the sponsor continue to
17 yield.

18 ACTING PRESIDENT BAILEY: Will the
19 sponsor yield?

20 SENATOR HARCKHAM: Absolutely.

21 ACTING PRESIDENT BAILEY: The
22 sponsor yields.

23 SENATOR RATH: Your sponsor's memo
24 specifically references the Indian Point Energy
25 Center, which is in the process of

1 decommissioning. Are you aware of the joint
2 proposal that was approved by the Public Service
3 Commission in April of 2021?

4 SENATOR HARCKHAM: I am. I serve
5 on the decommissioning oversight board -- through
6 you, Mr. President -- and I am aware of all of
7 those agreements.

8 SENATOR RATH: Through you,
9 Mr. President, will the sponsor continue to
10 yield.

11 ACTING PRESIDENT BAILEY: Will the
12 sponsor yield?

13 SENATOR HARCKHAM: Absolutely.

14 ACTING PRESIDENT BAILEY: The
15 sponsor yields.

16 SENATOR RATH: The joint proposal
17 specifically contains provisions regarding real
18 property tax payments as well as specific
19 commitments made to negotiate PILOT agreements
20 with the local taxing jurisdictions.

21 Are you familiar and aware with
22 those specific provisions?

23 SENATOR HARCKHAM: I am aware of
24 the agreements and the negotiations. I do not
25 get involved in them. It's not appropriate for,

1 I believe, a Senator to get involved in local
2 negotiations. So that is between the
3 municipality, the school district and the company
4 Holtec.

5 SENATOR RATH: Through you,
6 Mr. President, will the sponsor continue to
7 yield.

8 ACTING PRESIDENT BAILEY: Will the
9 sponsor yield?

10 SENATOR HARCKHAM: Absolutely.

11 ACTING PRESIDENT BAILEY: The
12 sponsor yields.

13 SENATOR RATH: Also contained
14 within that joint proposal is a specific
15 provision relating to "future state legislation."
16 Is the sponsor aware of that provision?

17 SENATOR HARCKHAM: There are
18 provisions pertaining to offsetting the cost of
19 state legislation.

20 And so as I said before,
21 Mr. President, this is a statewide bill setting
22 statewide policy. It is not meant to influence
23 what is happening necessarily in one community or
24 another community, but this is giving all
25 communities the tools that are needed in their

1 negotiations on the PILOT.

2 SENATOR RATH: Through you,
3 Mr. President, will the sponsor continue to
4 yield.

5 ACTING PRESIDENT BAILEY: Will the
6 sponsor yield?

7 SENATOR HARCKHAM: Absolutely.

8 ACTING PRESIDENT BAILEY: The
9 sponsor yields.

10 SENATOR RATH: My last question.
11 And Senator Harckham, thank you for the
12 discussion and the debate.

13 How would this legislation impact
14 the agreed payments specified in the joint
15 proposal to the state and local municipalities?

16 SENATOR HARCKHAM: Another good
17 question.

18 And quite honestly, I cannot tell
19 you, because I am not involved in the daily
20 negotiations. This is something that is amending
21 something that we did three years ago, this body.

22 You know, and thank you for a really
23 fact-based debate. I remember three years ago
24 when we had this debate, you know, the nuclear
25 industry really tried to sow a lot of fear. And

1 this bill is really agnostic on the nuclear
2 industry. This is just like what are you doing
3 with the spent fuel. It's not pro, it's not --
4 you know, it hasn't cost anyone a job, it hasn't
5 closed a plant.

6 So I really want to thank you for
7 the tenor of the debate.

8 What was the question again?

9 (Laughter.)

10 SENATOR RATH: You know, that's
11 twice now I'm going to have to have your back.

12 (Laughter.)

13 SENATOR RATH: What is the
14 legislative impact on agreed payments specified
15 in the joint proposal to state and local
16 municipalities?

17 SENATOR HARCKHAM: Oh, all right.

18 So in this case it may be
19 cost-neutral, because if they were to pay more in
20 property tax, there may be relief on the back end
21 through the decommissioning fund.

22 So, you know, for this company to be
23 concerned, I think in this instance they don't
24 need to be concerned. This is either not going
25 to be a big hit, a de minimis hit, or no hit to

1 them. This is really fixing the law we did three
2 years ago because we now have better information.

3 And moving forward, this can be
4 statewide policy that will help our small
5 communities at least meet some of the tax burden
6 when these big taxpayers in their district close
7 down.

8 SENATOR RATH: Mr. President, on
9 the bill.

10 ACTING PRESIDENT BAILEY: Senator
11 Rath on the bill.

12 SENATOR RATH: Thank you,
13 Senator Harckham, for a very informative
14 discussion.

15 I want to start by saying that state
16 and local governments entered into this joint
17 petition last year for the Indian Point Energy
18 Center, which covered all the specific provisions
19 of property tax payments, PILOT agreements, as
20 well as payments to be made as a part of the
21 decommissioning activity.

22 This bill now seeks to open that
23 joint petition back up and make changes to the
24 agreement that was unanimously agreed to by
25 numerous local governments, the host county, and

1 associated entities. I have grave concerns about
2 reopening this agreement.

3 To me, Mr. President, plain and
4 simple, this looks to me to be an attempt at a
5 money grab. It looks to also be an unprecedented
6 program here, with legal concerns. And I also
7 think it's a dangerous example in New York State.
8 The sponsor talks about setting a template; this
9 could be setting a very dangerous template in
10 New York State.

11 So for these reasons, I'll be in the
12 negative. Thank you.

13 ACTING PRESIDENT BAILEY: Thank
14 you, Senator Rath.

15 Are there any other Senators wishing
16 to be heard?

17 Seeing and hearing none, debate is
18 closed. The Secretary will ring the bell.

19 Read the last section.

20 THE SECRETARY: Section 2. This
21 act shall take effect immediately.

22 ACTING PRESIDENT BAILEY: Call the
23 roll.

24 (The Secretary called the roll.)

25 ACTING PRESIDENT BAILEY: Announce

1 the results.

2 THE SECRETARY: In relation to
3 Calendar 1835, those Senators voting in the
4 negative are Senators Borrello, Boyle, Gallivan,
5 Griffo, Helming, Jordan, Lanza, Mannion,
6 Martucci, Oberacker, O'Mara, Palumbo, Rath,
7 Serino, Stec and Tedisco.

8 Ayes, 47. Nays, 16.

9 ACTING PRESIDENT BAILEY: The bill
10 is passed.

11 THE SECRETARY: Calendar Number
12 1849, Assembly Bill Number 7926A, by
13 Assemblymember Rosenthal, an act to amend the
14 Penal Law.

15 ACTING PRESIDENT BAILEY: Senator
16 Borrello.

17 SENATOR BORRELLO: Mr. President,
18 will the sponsor yield for a question.

19 ACTING PRESIDENT BAILEY: Will the
20 sponsor yield for some questions?

21 SENATOR HOYLMAN: Yes, thank you.

22 ACTING PRESIDENT BAILEY: The
23 sponsor yields.

24 (Laughter.)

25 SENATOR BORRELLO: It's too early

1 to be this slappy.

2 Thank you, Mr. President. Through
3 you, Mr. President. Could you please --
4 Senator Hoylman, could you please explain what
5 this bill does?

6 SENATOR HOYLMAN: Yes. Through
7 you, Mr. President, this bill will require all
8 newly manufactured semiautomatic pistols sold in
9 New York to be equipped with microstamping
10 technology.

11 Now, microstamping is a process that
12 imprints a unique microscopic array of
13 alphanumeric characters onto the shell casings of
14 each cartridge fired from the weapon.

15 This technology is for law
16 enforcement, and it makes it possible to examine
17 a spent shell casing -- say at the scene of a
18 crime -- and easily identify the pistol from
19 which it was fired. The technology is going to
20 provide law enforcement officials with a vital
21 new tool to investigate shootings and gun
22 trafficking patterns and bring the people who
23 commit those crimes to justice.

24 Microstamping is the missing link
25 between the shell casing and the firearm tracing

1 system when firearms are not recovered at a crime
2 scene.

3 Now, the reason it's so important,
4 Mr. President, is that we have such low clearance
5 rates. Clearance rates are used to measure the
6 number of crimes that are solved. For a firearm
7 homicide, the clearance rate is the percentage of
8 homicide cases where an arrest was made or the
9 police have evidence to make an arrest but can't
10 because of exceptional circumstances such as the
11 suspect's death.

12 A high clearance rate indicates that
13 most perpetrators are arrested and thus there's a
14 high proportion of solved homicides. The
15 opposite is what we have in the State of
16 New York. A low clearance rate indicates that
17 most perpetrators were not arrested and thus
18 there is a high proportion of unsolved homicides.

19 Now, the national homicide clearance
20 rate was only 58.3 percent from 2014 to 2018. In
21 New York City the clearance rate in 2020 was only
22 30 percent. In Buffalo, between January and
23 November 2020, it was 8 percent.

24 Now, the vast majority of these
25 unsolved crimes are in Black and brown

1 communities. Microstamping is a key for law
2 enforcement. It is a technology that has been
3 proven. And New York is taking a bold step to
4 pass it.

5 I will say that this chamber has
6 rejected microstamping twice before. Under the
7 leadership of Mayor Mike Bloomberg, a Republican
8 then, and Governor Arnold Schwarzenegger, a
9 Republican then, microstamping took off in
10 2007-2010. It was attempted to be passed in this
11 chamber but rejected.

12 Those were the days, Mr. President,
13 when bipartisan agreement, commonsense gun
14 solutions were on the table. We need to bring
15 that back to bear given the low clearance rates
16 in the homicides, the unsolved murders in our
17 communities here in New York.

18 SENATOR BORRELLO: Mr. President,
19 will the sponsor continue to yield.

20 ACTING PRESIDENT BAILEY: Will the
21 sponsor yield?

22 SENATOR HOYLMAN: Yes,
23 Mr. President.

24 ACTING PRESIDENT BAILEY: The
25 sponsor yields.

1 SENATOR BORRELLO: Thank you for
2 that answer, Senator Hoylman.

3 So are you saying that the reason
4 that we have such a low clearance rate is we
5 can't figure out which gun the bullet came from?

6 SENATOR HOYLMAN: Through you,
7 Mr. President, that is certainly the problem.

8 Now, we do have ballistics
9 technology. And some ballistics technology, you
10 know, is inadvertent. When a gun is fired, there
11 is a trace element left on the casing, not
12 intended. But I will tell you that that trace
13 element that results in a mark, so that law
14 enforcement can pursue the gun crime, only solves
15 cases about 1.3 percent of the time.

16 And of course when you're using this
17 trace element to try to track the owner of a gun
18 that's been used at a crime scene, well, frankly,
19 you need the gun. And in the vast majority of
20 cases the gun is nowhere to be found. So that
21 creates a situation where very few gun crimes are
22 solved, because you don't have the chain of
23 custody -- this is what we're talking about, the
24 chain of custody that is necessary to link a
25 shell casing to the actual gun that was fired.

1 SENATOR BORRELLO: Mr. President,
2 will the sponsor continue to yield?

3 ACTING PRESIDENT BAILEY: Will the
4 sponsor yield?

5 SENATOR HOYLMAN: Yes,
6 Mr. President.

7 ACTING PRESIDENT BAILEY: The
8 sponsor yields.

9 SENATOR BORRELLO: Well, I would
10 argue that that's not -- has really nothing to do
11 with the low crime-solving rate. You've defunded
12 the police in New York City, you cut their budget
13 by a billion dollars, you've taken away from
14 their ability to proactively take people off the
15 streets that are committing crimes. You've
16 gotten rid of the gang unit, every other tool
17 that the police department used to have when they
18 had a better rate than the last two years, is
19 when this is all really happening.

20 So I would not think it has anything
21 to do, so much, with the forensic and ballistic
22 technology, and more to do with the fact that you
23 have hamstrung the police department and the
24 NYPD. But I'm going to move on to my next
25 question.

1 So microstamping, you're saying, is
2 this great solution. But does the technology
3 actually exist? I mean, is this -- and is this a
4 reliable technology?

5 SENATOR HOYLMAN: Through you,
6 Mr. President, yes, it exists. It's been in
7 existence for a couple of decades now.

8 But I'll tell you that it has
9 improved appreciably in the last five to
10 10 years. And there are a number of companies
11 that are pursuing microstamping technology which
12 we have identified here in the State of New York.
13 There is a market now for microstamping
14 technology which we hope to spur, actually,
15 through this legislation today.

16 It has been proven to be -- to show
17 effectiveness over 90 percent of the time in
18 trials where microstamping technology was used.

19 So there is a market. There is the
20 ability for us to spur new interest in this. And
21 frankly, New York can be a leader in
22 microstamping technology through this legislation
23 that we're hopefully going to pass today.

24 SENATOR BORRELLO: Mr. President,
25 will the sponsor continue to yield.

1 ACTING PRESIDENT BAILEY: Will the
2 sponsor continue to yield?

3 SENATOR HOYLMAN: Yes,
4 Mr. President.

5 ACTING PRESIDENT BAILEY: The
6 sponsor yields.

7 SENATOR BORRELLO: So you claim
8 that microstamping technology is working. Can
9 you tell me where it's working?

10 SENATOR HOYLMAN: Through you,
11 Mr. President. Of course, I'm sure my colleague
12 knows that California passed, under Republican
13 Governor Arnold Schwarzenegger, microstamping
14 legislation back in 2007.

15 The gun manufacturers rebelled, and
16 they filed a lawsuit which eventually was found
17 in favor of the State of California and has
18 permitted microstamping technology to proceed.

19 But there have been fits and starts,
20 I'm not going to deny it. That's one of the
21 reasons why it's so important that New York be
22 the third jurisdiction after California and
23 Washington, D.C., to pass it.

24 But I have numerous studies,
25 Mr. President, showing the viability, both

1 scientifically and marketplace analysis, of
2 microstamping technology.

3 SENATOR BORRELLO: Mr. President,
4 will the sponsor continue to yield?

5 ACTING PRESIDENT BAILEY: Will the
6 sponsor yield?

7 SENATOR HOYLMAN: Yes,
8 Mr. President.

9 ACTING PRESIDENT BAILEY: The
10 sponsor yields.

11 SENATOR BORRELLO: I appreciate
12 that you have some studies. But can you tell me
13 where it's working now, where it has effectively
14 been put in place and is solving crimes. You
15 said Washington, D.C., you said California.
16 Where is it working?

17 SENATOR HOYLMAN: Through you,
18 Mr. President, it is a technology that, while not
19 new, has not yet been fully deployed, given the
20 gun manufacturers' lawsuit that went all the way
21 to the federal Circuit Court in California.
22 Unfortunately, that is the reality of the gun
23 manufacturers' resistance.

24 But every study that I've
25 examined -- and that's why we have the support of

1 district attorneys here in New York.
2 Mayor Bloomberg organized city mayors across the
3 state to support it. The International
4 Association of Chiefs of Police. And of course
5 gun safety organizations: New Yorkers Against
6 Gun Violence, Everytown for Gun Safety, the Brady
7 Research Center, the Coalition to Gun Violence.

8 This is a time, Mr. President, for
9 bold action. We have nothing to lose. We have
10 lives to save.

11 SENATOR BORRELLO: Mr. President,
12 will the sponsor continue to yield.

13 ACTING PRESIDENT BAILEY: Will the
14 sponsor continue to yield?

15 SENATOR HOYLMAN: Yes,
16 Mr. President.

17 ACTING PRESIDENT BAILEY: The
18 sponsor yields.

19 SENATOR BORRELLO: I appreciate
20 everything you had to say, but I didn't hear an
21 answer to where it was actually being implemented
22 and working.

23 So I think the answer is the fact
24 that this passed in 2007 in California, and here
25 we are all these years later, 15 years later, and

1 as you said, fits and starts -- these are not
2 fits and starts. It's a complete failure. They
3 haven't implemented it in California, nor have
4 they implemented it in Washington, D.C.

5 So what makes you think that it's
6 going to work here in New York?

7 SENATOR HOYLMAN: Through you,
8 Mr. President, I don't see that we have a
9 choice when you have so many unsolved gun crimes
10 in our community, when you have the fact that,
11 according to the National Association -- the
12 National Integrated Ballistic Information
13 Network, when they use bullet and cartridge
14 evidence to try to track illegal guns, they only
15 solve those crimes 1.5 percent of the time.

16 And I'll also add that our
17 legislation is different than California, in that
18 California's legislation was both to modify the
19 breechface as well as the firing pin. The
20 technology has since advanced, and we propose
21 only that the firing pin be modified in newly
22 manufactured semiautomatic pistols.

23 SENATOR BORRELLO: Mr. President,
24 will the sponsor continue to yield.

25 ACTING PRESIDENT BAILEY: Will the

1 sponsor yield?

2 SENATOR HOYLMAN: Yes.

3 ACTING PRESIDENT BAILEY: The
4 sponsor yields.

5 SENATOR BORRELLO: You just brought
6 up an interesting statistic that only 1.5 percent
7 of crimes committed with illegal guns have been
8 solved, but we're talking about microstamping
9 brand-new guns.

10 Are we just planning to have the
11 criminals bring their guns in to have their
12 firing pins microstamped? How is that going to
13 work?

14 SENATOR HOYLMAN: Through you,
15 Mr. President. The reality is that another
16 important part of microstamping technology is
17 that about a third of illegal guns are actually
18 purchased legally in the State of New York and
19 nationwide.

20 So, you know, that old adage
21 "criminals having guns" really doesn't apply,
22 because so many of those guns are purchased
23 originally legally.

24 Plus we need to create an enormous
25 disincentive to those who traffic in illegal guns

1 to understand that they will be tracked, their
2 guns will be traced. No more using straw
3 purchasers to fund the "iron pipeline" into the
4 State of New York. We will track those guns, and
5 we will find the perpetrator and prosecute them
6 to the fullest extent of the law.

7 SENATOR BORRELLO: Mr. President,
8 will the sponsor continue to yield?

9 ACTING PRESIDENT BAILEY: Will the
10 sponsor yield?

11 SENATOR HOYLMAN: Yes,
12 Mr. President.

13 ACTING PRESIDENT BAILEY: The
14 sponsor yields.

15 SENATOR BORRELLO: So let's assume
16 for the moment that we do this, and we have a new
17 gun with a microstamp on the firing pin. You're
18 saying if someone steals that gun from someone's
19 home, or it is an arm's length transaction -- all
20 these things that put a legally purchased gun
21 into the hands of someone who is not legally
22 allowed to possess it -- you don't think that
23 they wouldn't just file that off of the -- that
24 microstamp right off the firing pin?

25 SENATOR HOYLMAN: Through you,

1 Mr. President. The truth is it's -- most guns
2 that are illegal are not modified, and the
3 statistics bear that out.

4 It is very difficult to remove a pin
5 and replace it with another one unless you're a
6 gunsmith or an expert. So it has been
7 demonstrated that the firing pin is not something
8 that can be easily removed or altered.

9 That said, also the statistics show
10 that most people who use guns for crimes don't
11 alter them either.

12 SENATOR BORRELLO: Mr. President,
13 will the sponsor continue to yield.

14 ACTING PRESIDENT BAILEY: Will the
15 sponsor continue to yield?

16 SENATOR HOYLMAN: Yes,
17 Mr. President.

18 ACTING PRESIDENT BAILEY: The
19 sponsor yields.

20 SENATOR BORRELLO: Okay, let's say
21 I buy a gun that has a microstamp and it's a
22 registered firearm, it's a pistol, and that gun
23 gets stolen out of my house. How are we going to
24 connect that person who stole the gun, whose name
25 the gun is not registered in, to the crime when

1 that gun comes back to me?

2 How is that going to work? How are
3 we going to actually solve a crime if a gun crime
4 was committed by a person who stole that gun and
5 then committed a crime, when the microstamp goes
6 back to me as the registered gun owner?

7 SENATOR HOYLMAN: Through you,
8 Mr. President. Just to be clear, also, to my
9 colleague's earlier question about those who
10 might file or attempt to alter the gun, there
11 will be additional criminal penalties for that
12 that can be imposed on such a -- in such a
13 situation.

14 Of course, microstamping is not the
15 be-all or end-all of solving gun crimes. It is
16 an important tool for law enforcement. We need
17 all hands on deck to try to attempt to solve gun
18 crimes and reduce gun violence in our
19 communities.

20 I'm not suggesting that
21 microstamping is going to solve every gun crime.
22 I am suggesting, though, that based on the data,
23 based on real-world evidence and based on the new
24 technology, it can make a big difference. That's
25 why so many in law enforcement support this

1 legislation.

2 SENATOR BORRELLO: Mr. President,
3 will the sponsor continue to yield?

4 ACTING PRESIDENT BAILEY: Will the
5 sponsor continue to yield?

6 SENATOR HOYLMAN: Yes.

7 ACTING PRESIDENT BAILEY: The
8 sponsor yields.

9 SENATOR BORRELLO: So your bill
10 mentions that we're going to determine if this is
11 technologically viable. You certainly have some
12 data to suggest that it is. But that's a broad
13 term.

14 Explain what "technologically
15 viable" means, especially since we can't point to
16 a single state or municipality that's actually
17 implemented this technology to solve crimes. So
18 who's going to determine "technologically
19 viable," and what does that mean?

20 SENATOR HOYLMAN: Well, through
21 you, Mr. President, according to the legislation,
22 within six months the Division of Criminal
23 Justice Services, DCJS, is going to engage in and
24 complete an investigation to certify the
25 technical viability, to prove to the naysayers

1 that this in fact can work.

2 That's why we have that period where
3 we will examine the viability of microstamping-
4 enabled pistols. The investigation's going to
5 include live-fire testing evidence. And
6 ultimately DCJS will certify or decline to
7 certify that microstamping-enabled pistols are
8 technologically viable.

9 I think the plain language of
10 "technological viability" speaks for itself,
11 although I would imagine that DCJS will look to
12 the regulatory-making process to further fill out
13 what that definition will be.

14 SENATOR BORRELLO: Mr. President,
15 will the sponsor continue to yield?

16 ACTING PRESIDENT BAILEY: Will the
17 sponsor yield?

18 SENATOR HOYLMAN: Yes,
19 Mr. President.

20 ACTING PRESIDENT BAILEY: The
21 sponsor yields.

22 SENATOR BORRELLO: So we're talking
23 about DCJS. Are they going to be required to
24 consult with firearms experts to do this
25 analysis?

1 SENATOR HOYLMAN: Through you,
2 Mr. President, I would imagine that will be part
3 of their process. The legislation doesn't
4 specify that.

5 But knowing the expertise that is in
6 DCJS, both in-house and outside of DCJS, I would
7 hope that they would look and consult with
8 experts, both on staff and elsewhere, to make
9 that determination.

10 SENATOR BORRELLO: Mr. President,
11 will the sponsor continue to yield?

12 ACTING PRESIDENT BAILEY: Will the
13 sponsor yield?

14 SENATOR HOYLMAN: Yes,
15 Mr. President.

16 ACTING PRESIDENT BAILEY: The
17 sponsor yields.

18 SENATOR BORRELLO: You know, the
19 repeated use of a firearm would inevitably lead
20 to the wearing away of that microstamping, and I
21 think that's what some of these studies indeed do
22 show happening.

23 So is there any requirement for that
24 firearm owner to ensure that that microstamp is
25 maintained on that firing pin?

1 SENATOR HOYLMAN: The studies have
2 shown that microstamping technology can last for
3 literally thousands of rounds. And ultimately,
4 if it is worn off, the pin will have to be
5 replaced.

6 But there are statistics, again,
7 that show that microstamping technology is in
8 fact very durable. Even if part of the
9 alphanumeric code is worn because of repeated
10 thousands and thousands of firings, that is much
11 more information than law enforcement currently
12 has now.

13 SENATOR BORRELLO: Mr. President,
14 will the sponsor continue to yield?

15 ACTING PRESIDENT BAILEY: Will the
16 sponsor continue to yield?

17 SENATOR HOYLMAN: Yes,
18 Mr. President.

19 ACTING PRESIDENT BAILEY: The
20 sponsor yields.

21 SENATOR BORRELLO: Well, you keep
22 talking about this as if there's someplace where
23 this is actually taking place and we're solving
24 crimes. You say it's very durable, it's going to
25 last for thousands of rounds.

1 But again, we don't even have a
2 single state or municipality where this has been
3 successfully utilized. So where is that data
4 coming from?

5 SENATOR HOYLMAN: Through you,
6 Mr. President. Well, we -- California does have
7 a lot of experience in this realm, having passed
8 a statute in that regard. We have, of course,
9 real-world data from a number of different
10 organizations and advocacy groups. And we have
11 actual microstamping private firms that are
12 looking to enter the marketplace here in New York
13 State.

14 SENATOR BORRELLO: Mr. President,
15 will the sponsor continue to yield?

16 ACTING PRESIDENT BAILEY: Will the
17 sponsor yield?

18 SENATOR HOYLMAN: Yes,
19 Mr. President.

20 ACTING PRESIDENT BAILEY: The
21 sponsor yields.

22 SENATOR BORRELLO: But again, we're
23 doing this because you're saying that there is
24 proof positive, evidence, that microstamping will
25 help solve a crime. Where has that happened?

1 SENATOR HOYLMAN: Through you,
2 Mr. President. Once again, in California, the
3 gun manufacturers blocked the deployment of this
4 technology. It is in place in the District of
5 Columbia.

6 New York needs to take bold action
7 and be the third jurisdiction to pass
8 microstamping technology requirements.

9 But also, understand that the
10 legislation lays out a time frame and a series
11 of -- of performance --

12 SENATOR BORRELLO: Measures?

13 SENATOR HOYLMAN: No, I was --
14 thank you very much for that assistance.

15 -- lays out a series of
16 opportunities for private manufacturers to weigh
17 in. In fact, we don't -- the latest that
18 microstamping technology will actually come into
19 effect in New York is four months after -- four
20 years, rather, after it's certified to be
21 technologically and commercially viable.

22 So we have laid out a runway to
23 drill down into the commercial and technological
24 viability of this. And I know that is a concern
25 of the sponsor. But there's a roadmap here for

1 us to determine its effectiveness and its
2 commercial viability laid out in this bill.

3 SENATOR BORRELLO: Mr. President,
4 will the sponsor continue to yield?

5 ACTING PRESIDENT BAILEY: Will the
6 sponsor yield?

7 SENATOR HOYLMAN: Yes,
8 Mr. President.

9 ACTING PRESIDENT BAILEY: The
10 sponsor yields.

11 SENATOR BORRELLO: I guess I'm
12 hearing something conflicting here. You're
13 saying that we have to determine that it's
14 viable, but you've said it's already -- we
15 already have a viable ability to deploy this. So
16 why do we have to wait four years if it's already
17 viable?

18 And I still am waiting for an answer
19 as to who's actually successfully done this. You
20 said California passed it in 2007. But I don't
21 want to go off on a tangent here. How is -- if
22 it's already commercially viable, why can't we
23 just deploy it?

24 SENATOR HOYLMAN: Through you,
25 Mr. President. The technology is viable. We've

1 had gun manufacturers who have intervened and
2 stalled its application, with the intention of
3 undermining this effort to make our streets and
4 communities safer.

5 We need to go around the gun
6 manufacturers, and that's exactly what we're
7 doing with this legislation today.

8 SENATOR BORRELLO: Mr. President,
9 will the sponsor continue to yield?

10 ACTING PRESIDENT BAILEY: Will the
11 sponsor yield?

12 SENATOR HOYLMAN: Yes.

13 ACTING PRESIDENT BAILEY: The
14 sponsor yields.

15 SENATOR BORRELLO: So I'd say it
16 would be correct to say that there are millions
17 of pistols in New York State that are already
18 existing that will not have this microstamping
19 technology. So, you know, what are we going to
20 do about the millions of guns that already exist
21 that are not going to be brought in to be
22 microstamped or modified? Those are the ones
23 that are illegally possessed in many cases.

24 And the vast, vast majority of gun
25 crimes, by the way, we know are committed by

1 people who have guns that they illegally possess.

2 So how is this going to help that situation?

3 SENATOR HOYLMAN: Well, through
4 you, Mr. President, the -- it's new guns that are
5 actually causing one-third of gun crimes here in
6 the State of New York, new guns. So newly
7 manufactured.

8 The -- my colleague is correct in
9 that this bill would not have any impact on guns
10 that are in the private possession of
11 New Yorkers. But we're taking other steps. And
12 I appreciate -- I appreciate my colleague's
13 concern about those millions of guns. And we
14 need to take additional steps in regard to that,
15 and that's what we're doing with today's package.

16 So I share my colleague's concern,
17 and I welcome him into this argument. And let's
18 have some bipartisan on gun safety. Let's fix
19 this problem which is killing -- literally,
20 Mr. President -- our children. Let's have
21 New York be the bipartisan model for Washington,
22 the inaction in Washington that is resulting in
23 the deaths of so many of our loved ones.

24 SENATOR BORRELLO: Mr. President,
25 will the sponsor continue to yield.

1 ACTING PRESIDENT BAILEY: Will the
2 sponsor yield?

3 SENATOR HOYLMAN: Yes,
4 Mr. President.

5 ACTING PRESIDENT BAILEY: The
6 sponsor yields.

7 SENATOR BORRELLO: So I'm going to
8 ask one last question here. We have ballistics
9 technology. We already have the ability to trace
10 a bullet back to a gun. You've brought that up.
11 We have the -- the people, unfortunately, have
12 been underfunded recently in law enforcement to
13 do this.

14 So without any examples of where
15 this has been done successfully, how is this
16 realistically going to help solve crime?

17 SENATOR HOYLMAN: Through you,
18 Mr. President. We are looking for that missing
19 link between a gun used to murder someone who we
20 may know and love, and the shell casing that is
21 often left at the scene of the crime. Through
22 microstamping technology, we establish that chain
23 of custody and we empower law enforcement to
24 solve gun crimes.

25 That is the least we can do in this

1 moment of national despair when just this week
2 yet another mass shooting occurred. But it's not
3 just the mass shootings, it's the killings that
4 seem to happen almost on a daily basis in some of
5 our communities across the state of New York.

6 Microstamping technology is a
7 promise, but we have to take every step to make
8 sure that our families are safe. And I think
9 it's a bet that we cannot afford to miss.

10 SENATOR BORRELLO: Mr. President,
11 on the bill.

12 ACTING PRESIDENT BAILEY: Senator
13 Borrello on the bill.

14 SENATOR BORRELLO: Senator Hoylman,
15 thank you. You have obviously studied this well,
16 and I appreciate the engagement today.

17 Senator Hoylman talked about what we
18 can do to empower law enforcement. I know what
19 we can do to empower law enforcement. We can
20 start respecting them again, we can start funding
21 them again, we can start giving them the tools
22 that they need to not just solve crimes but to
23 prevent crimes.

24 We need to do a lot of other things.
25 Microstamping technology is not a proven

1 technology. It isn't working. They passed this
2 in 2007 in California, and trust me, in the last
3 15 years I'm sure something could have been done
4 to get that deployed.

5 But what we're really talking about
6 here is we're talking about the gun. We're not
7 talking about the people that use the gun. And
8 that's the problem with all of these bills that
9 we have here today. Until we address people that
10 have violent tendencies, until we address those
11 folks with violent mental illness, until we
12 address people that have evil in their hearts --
13 and we are not doing anything to separate these
14 people, pull them out of society -- nothing like
15 this is going to help.

16 We're going to nibble around the
17 edges. We're going to make political statements.
18 But the reality is New York has become far more
19 dangerous in the last two years. Not because of
20 new guns, but because of bad policy out of
21 Albany, because of things like our failed bail
22 reform law, the other criminal justice reforms.
23 That's why New York is more dangerous.

24 Are there more guns here in New York
25 than there were two years ago? Maybe. But the

1 bottom line is we are now at a 40-year high for
2 crime here in New York. So we're going to sit
3 here, we're going to talk about law-abiding
4 citizens, we're going to create a barrier to
5 selling guns here in New York State by requiring
6 a microstamping technology, which will happen --
7 which is what happened in California, is the gun
8 manufacturers are just going to say, We're not
9 going to sell them.

10 And there are a lot of you that
11 would say, That's great, we don't want to sell
12 any more guns here in New York State, that's
13 wonderful. But unfortunately, most of the guns
14 that are on the street here in New York State
15 were not legally purchased. Most of the guns
16 that are being used in crimes are not legally
17 possessed.

18 So this is just another feeble
19 attempt to try and hamstring everyone's
20 Second Amendment right to keep and bear arms.
21 It's not going to work. The technology is not
22 there. It's not being used anywhere. And this
23 isn't going to happen.

24 So I'm voting no. Thank you.

25 ACTING PRESIDENT BAILEY: Are there

1 any other Senators wishing to be heard?

2 Seeing and hearing none, debate is
3 closed. The Secretary will ring the bell.

4 Read the last section.

5 THE SECRETARY: Section 2. This
6 act shall take effect immediately.

7 ACTING PRESIDENT BAILEY: Call the
8 roll.

9 (The Secretary called the roll.)

10 ACTING PRESIDENT BAILEY: Senator
11 Boyle to explain his vote.

12 SENATOR BOYLE: Thank you,
13 Mr. President, to explain my vote.

14 It seems like every time we have an
15 issue where we need to come here after a tragedy,
16 the focus by the Majority is always on firearms.
17 We can debate that. But we're talking about a
18 bill here about microstamping forensic
19 technology -- as Senator Borrello so aptly
20 pointed out, an unproven technology.

21 But you know what technology does
22 work? DNA. This Majority refuses to bring to
23 the floor legislation on genetic genealogy and
24 familial DNA. This tool has solved numerous,
25 numerous cases around the world, but we don't

1 allow it here in New York State. The Angie Dodge
2 case in Idaho, murder case, was solved with
3 familial DNA. The Eve Wilkowitz case in my
4 district, Bay Shore, just solved by our new
5 district attorney, Ray Tierney. A 42-year-old
6 cold murder case solved with familial testing and
7 genetic genealogy.

8 And Senator Hoylman, you brought up
9 the State of California and microstamping. Okay,
10 they passed a law to have microstamping. I do
11 not believe they've solved any crimes with
12 microstamping. But you know what case California
13 did solve? The Golden State Killer. Joseph
14 DeAngelo, murdered 13 women and men. Raped more
15 than 50 women, 120 burglaries, and they caught
16 him through genetic genealogy, a technology that
17 does work, has been proven to work, and you will
18 not allow it in this state.

19 I will vote no on this and hope that
20 my colleagues will bring familial testing and
21 genetic genealogy to New York State.

22 ACTING PRESIDENT BAILEY: Senator
23 Boyle to be recorded in the negative.

24 Senator Jackson to explain his vote.

25 SENATOR JACKSON: Thank you,

1 Mr. President.

2 To my colleagues, I've listened to
3 the debate and discussion on this particular
4 matter. And everyone is entitled to their
5 opinions. But I say to you, I support this bill
6 because we need to make sure that if in fact it
7 works, that we microstamp the bullets and
8 everything that comes out of the guns because of
9 the fact that we can then trace these to whoever.

10 One of the colleagues said that what
11 if in fact they had a pistol and it was stolen.
12 Well, like anything else, if you -- someone robs
13 your house or robs your vehicle and steals the
14 merchandise, and especially a gun, you'd better
15 report it so that the police know that the
16 weapons were stolen, and also try to find those
17 to the extent that we can.

18 The bottom line is that this is
19 about trying to save lives and also to connect
20 people that have used guns, especially if there's
21 microstamping for robberies, killings and stuff
22 like that. This is a positive aspect, this is
23 not a negative aspect. We're trying to save
24 lives and trying to reduce crime overall.

25 So I appreciate my colleague and --

1 standing up not only on behalf of himself, but on
2 behalf of myself and everyone else that supports
3 this bill. And I respect my colleagues that
4 disagree, but I hope that we move forward in
5 unity in order to save lives, in order to stop
6 crime, and in order to identify the type of -- if
7 in fact weapons are used, that we'll be able to
8 determine where the gun came from or where the
9 bullets came from.

10 So with that, Mr. President I vote
11 aye.

12 ACTING PRESIDENT BAILEY: Senator
13 Jackson to be recorded in the affirmative.

14 Senator Hoylman to explain his vote.

15 SENATOR HOYLMAN: Thank you,
16 Mr. President. I appreciate the debate with my
17 colleague and his questioning.

18 I guess we differ in the urgency
19 which we face given the problem of gun violence
20 in our state and across this country.

21 I would say that failing to pass
22 comprehensive gun violence legislation just isn't
23 an option anymore, Mr. President. It is quite
24 literally a matter of life or death for too many
25 New Yorkers, and we must act now.

1 The truth is that only half of all
2 homicides in New York from 2010 to 2019 were
3 solved. In New York City, only 30 percent of
4 those were solved in 2020. The inability to
5 solve murders -- and we have so many colleagues,
6 Mr. President, on both sides of the aisle who are
7 concerned about public safety, as we all should
8 be, and consider themselves law and order
9 officials. But the inability to solve murders is
10 a racial one. It disproportionately affects
11 Black and brown communities.

12 Across 52 of the nation's largest
13 cities, 53 percent of murders of Black Americans
14 between 2008 and 2018 never led to an arrest --
15 53 percent -- let alone a conviction.

16 Microstamping technology can help
17 end these egregious failures by helping law
18 enforcement identify firearms used in shootings
19 and solve more crimes.

20 When shootings and homicides and
21 other firearms crimes are unsolved, something
22 else happens, Mr. President. We didn't get a
23 chance to talk about this. There's a retaliatory
24 cycle of violence when a crime is unsolved.
25 Trauma, vigilantism are more likely to erupt,

1 leading to an increased sense of lack of security
2 and violence and injury, a weakened trust in our
3 judicial system.

4 Microstamping technology is
5 feasible, reliable and its costs are minimal.
6 The estimate is it costs less than 10 bucks a
7 firearm.

8 In addition to reducing gun deaths,
9 this law can also create a greater sense of
10 security among the public, serve the public
11 interest and public safety in ways other than by
12 reducing deaths and physical bodily injury
13 alone -- including by addressing psychological
14 harms -- and ensure that Americans and their
15 families have the security equally to enjoy the
16 full range of constitutional freedoms.

17 Now I want to say that I'm so
18 grateful to all the gun advocacy groups that got
19 us here. And there's so many of them. You know,
20 we sat down at the beginning of session and we
21 identified this priority. We had no idea that
22 we'd be here today with so many shootings having
23 occurred. But New Yorkers Against Gun Violence,
24 Everytown, the Coalition to Stop Gun Violence,
25 Giffords, Brady. District attorneys like

1 DAs Gonzalez and Bragg have also written in their
2 support.

3 I want to thank Governor Hochul for
4 embracing our legislation, and the Assembly for
5 passing it yesterday through my colleague
6 Assemblymember Linda Rosenthal, and of course
7 Majority Leader Andrea Stewart-Cousins and all of
8 my colleagues for making microstamping a
9 technology and taking this leap forward, this
10 bold step that we need to address gun violence.

11 Thank you, Mr. President. Thank you
12 to my colleagues. I vote aye.

13 ACTING PRESIDENT BAILEY: Senator
14 Hoylman to be recorded in the affirmative.

15 Announce the results.

16 THE SECRETARY: In relation to
17 Calendar 1849, those Senators voting in the
18 negative are Senators Akshar, Borrello, Boyle,
19 Gallivan, Griffo, Helming, Jordan, Lanza,
20 Martucci, Mattera, Oberacker, O'Mara, Ortt,
21 Palumbo, Rath, Ritchie, Serino, Stec, Tedisco and
22 Weik.

23 Ayes, 43. Nays, 20.

24 ACTING PRESIDENT BAILEY: The bill
25 is passed.

1 THE SECRETARY: Calendar Number
2 1875, Senate Print 9456, by Senator Sepúlveda, an
3 act to amend the Penal Law.

4 ACTING PRESIDENT BAILEY: Senator
5 Palumbo, why do you rise?

6 SENATOR PALUMBO: Thank you,
7 Mr. President. Would the sponsor yield for a few
8 questions, please.

9 ACTING PRESIDENT BAILEY: Senator
10 Sepúlveda, will you yield?

11 SENATOR SEPÚLVEDA: Well, I feel
12 left out now, because Senator Borrello is not
13 asking me questions.

14 (Laughter.)

15 ACTING PRESIDENT BAILEY: Senator
16 Borrello may indulge you later.

17 Senator Sepúlveda, will you yield?

18 SENATOR SEPÚLVEDA: Yes, I will.

19 ACTING PRESIDENT BAILEY: The
20 sponsor yields.

21 SENATOR PALUMBO: Thank you,
22 Senator Sepúlveda.

23 Regarding this bill, it's a pretty
24 straightforward addition to the definition of a
25 firearm, about four lines that adds any other

1 weapon as a type of firearm in the State of
2 New York.

3 Can you tell us where the language
4 used in the proposed legislation originated?

5 SENATOR SEPÚLVEDA: I'm having a
6 hard time hearing you.

7 SENATOR PALUMBO: Sure. Can you
8 just tell us -- am I on here? I'm on. It's lit.

9 Can you just tell us the origin of
10 the language used in the bill?

11 SENATOR SEPÚLVEDA: The origin?

12 SENATOR PALUMBO: Yeah, if you have
13 one. Is it your own words? It appears to be
14 somewhat similar to --

15 SENATOR SEPÚLVEDA: Through you,
16 Mr. President, absolutely.

17 So I represent the Central and
18 South Bronx, and in our community there's been a
19 rash of violence involving firearms. The problem
20 that we have is when we charge these individuals
21 with offenses that have to do, for example, with
22 criminal use first degree of a firearm, if
23 they're using -- the biggest issue we have is a
24 ghost gun. You cannot elevate the charge, you
25 cannot elevate the sentence because the ghost

1 guns aren't defined as a firearm under the
2 current definition in the statute.

3 What this will do is it will include
4 ghost guns -- a major problem in the community
5 that I have. Some of the children that were shot
6 recently, some of the residents, they used a
7 ghost gun. When I speak to my precinct councils
8 and my commanding officers in my precinct, they
9 all say ghost guns is a major problem that we
10 have.

11 That is the origin of the language.

12 SENATOR PALUMBO: So if I can get
13 into the specific words used, because I would
14 like to compare them. And I'll tell you where
15 I'm going with this. Under the National Firearms
16 Act --

17 ACTING PRESIDENT BAILEY: Senator
18 Palumbo, are you asking Senator Sepúlveda to
19 yield?

20 SENATOR PALUMBO: Yes. Would you
21 yield, please, Senator.

22 ACTING PRESIDENT BAILEY: Does the
23 sponsor yield? The sponsor yields.

24 SENATOR PALUMBO: Yes, thank you.
25 So in this bill it adds a new

1 subsection (f) to the definition of a firearm,
2 "any other weapon that is not otherwise defined
3 in this section containing any component that
4 provides housing or a structure designed to hold
5 or integrate any fire control component that is
6 designed to or may readily be converted to expel
7 a projectile by action of explosive."

8 So regarding that specific language,
9 can you just explain to us what do you mean by an
10 explosive act that would project a projectile
11 from this device?

12 SENATOR SEPÚLVEDA: Through you,
13 Mr. President. If you're using a device that
14 uses, for example, gunpowder -- something that is
15 used to create an explosion so that a projectile
16 can be released from that object -- then that
17 particular object will be considered a firearm
18 under this definition.

19 SENATOR PALUMBO: Will the sponsor
20 continue to yield.

21 ACTING PRESIDENT BAILEY: Will the
22 sponsor yield?

23 SENATOR SEPÚLVEDA: Yes, I do.

24 ACTING PRESIDENT BAILEY: The
25 sponsor yields.

1 SENATOR PALUMBO: Thank you.

2 Through you, Mr. President.

3 So is there any sort of
4 characterization as to the type of projectile or
5 the speed of the projectile? Because I do recall
6 that in, for example, charging use of a firearm
7 in New York, it needs to be a projectile that is
8 readily capable -- or the firearm, the object,
9 would be readily capable of producing a shot that
10 can cause serious physical injury or death.

11 So is that what's intended here,
12 although it's not specifically defined?

13 SENATOR SEPÚLVEDA: Through you,
14 Mr. President. So we want to capture weapons
15 that are used sort of as firearms but are not
16 defined as firearms.

17 So in your situation, if in fact the
18 object that you're using as a firearm does expel
19 a projectile, at that point it falls under the
20 definition of the statute.

21 SENATOR PALUMBO: Will the sponsor
22 continue to yield?

23 ACTING PRESIDENT BAILEY: Does the
24 sponsor yield?

25 SENATOR SEPÚLVEDA: Yes.

1 ACTING PRESIDENT BAILEY: The
2 sponsor yields.

3 SENATOR PALUMBO: Thank you,
4 Senator Sepúlveda.

5 So essentially -- and these have
6 been termed, on occasion, as maybe a zip gun,
7 someone takes a radio antenna and they
8 manufacture something that can fire off a
9 cartridge, say a .22 cartridge -- are those the
10 type of firearms you're talking about?

11 SENATOR SEPÚLVEDA: If the object
12 uses something like gunpowder or any explosive
13 that's going to release a projectile, then yes,
14 all of that would fall under the statute.

15 SENATOR PALUMBO: Will the sponsor
16 continue to yield.

17 SENATOR SEPÚLVEDA: Yes.

18 ACTING PRESIDENT BAILEY: Will the
19 sponsor yield? The sponsor yields.

20 SENATOR PALUMBO: So pursuant to
21 that definition, would a flare gun be considered
22 a firearm under this legislation?

23 SENATOR SEPÚLVEDA: No. Through
24 you, Mr. President, no.

25 SENATOR PALUMBO: Will the sponsor

1 continue to yield.

2 SENATOR SEPÚLVEDA: Yes.

3 ACTING PRESIDENT BAILEY: Will the
4 sponsor yield? The sponsor yields.

5 SENATOR PALUMBO: I appreciate that
6 clarification, Senator.

7 And for the purposes of legislative
8 intent, I guess we should get in the weeds a
9 little bit. Because that is something that has a
10 primer, it's almost like a shotgun shell that has
11 a device that strikes it -- a firing pin, so to
12 speak, that can strike -- in a plastic flare gun,
13 and that projectile can certainly cause injury.

14 So can you tell me how that does not
15 fit within your definition of a firearm?

16 SENATOR SEPÚLVEDA: Through you,
17 Mr. President, I think part of the requirements
18 to be convicted of a gun offense is that you're
19 using the object as a weapon.

20 I don't think that most people use
21 flare guns as weapons, so that wouldn't fall
22 under the category under the statute.

23 SENATOR PALUMBO: Would the sponsor
24 continue to yield.

25 ACTING PRESIDENT BAILEY: Will the

1 sponsor yield?

2 SENATOR SEPÚLVEDA: Yes.

3 ACTING PRESIDENT BAILEY: The
4 sponsor yields.

5 SENATOR PALUMBO: And so -- and
6 this is the rub, and I'm going to ask you some
7 questions because there's similar language used
8 in the federal law. That a weapon, for example,
9 like a dangerous instrument -- it can be a piece
10 of paper, under the Penal Law. If I use
11 something that can be used to threaten someone
12 with injury, for example, in a robbery, it could
13 be a bottle, it could be a phone, it could be a
14 number of -- it could be a telephone, it could
15 be -- you know, a can of soda could be a
16 dangerous instrument.

17 So along those lines, this
18 definition of a firearm becomes so expansive that
19 it doesn't actually define specifically the
20 dangerous level of the projectile and it does not
21 even describe the actual device.

22 So can you reconcile that for me,
23 please?

24 SENATOR SEPÚLVEDA: Through you,
25 Mr. President, did you have a question? Because

1 I know you were speaking and I was speaking to my
2 counsel. I'm sorry.

3 SENATOR PALUMBO: Yes, Senator.
4 Just can you reconcile that issue that we don't
5 have -- that it's extremely expansive?

6 That in the example I gave of maybe
7 a flare gun or even a potato gun that you make as
8 a kid -- you know, you take some PVC pipe, you
9 get a sparker from a barbecue, you squirt in some
10 hair spray, and you can shoot a potato gun across
11 the yard, shoot a potato that you shove down it.
12 I mean, we've -- I haven't shot one in years.

13 (Laughter.)

14 SENATOR PALUMBO: But in fact that
15 is a projectile that's produced by way of an
16 explosion.

17 So can you reconcile that, just for
18 clarification for all of us? Because this will
19 be a crime to possess a firearm if and when this
20 becomes law.

21 SENATOR SEPÚLVEDA: Through you,
22 Mr. President, I haven't used a firearm to shoot
23 potato chips or french fries yet, but I'll look
24 at what you do with a potato gun.

25 But the point is that, first of all,

1 the issue of dangerousness doesn't exist anywhere
2 in the statute. So, you know, it's not going to
3 change what we consider dangerous, because it's
4 not defined here. It's not defined throughout
5 the criminal procedure.

6 But with respect to your examples,
7 first of all, you have to have the explosive,
8 gunpowder. You have to have the intent to harm.
9 And that's the critical difference. Most people
10 that use potato guns aren't trying to kill
11 someone. But this, in this definition, if you
12 use the explosive and the projectile causes
13 injury, just like any -- if you see the
14 definition here of any firearm, it's the same
15 concept. As long as it's a firearm or you're
16 using it as a firearm to cause harm, then you
17 would fall under the definition.

18 SENATOR PALUMBO: Will the sponsor
19 continue to yield?

20 ACTING PRESIDENT BAILEY: Will the
21 sponsor yield?

22 SENATOR SEPÚLVEDA: Yes.

23 ACTING PRESIDENT BAILEY: The
24 sponsor yields.

25 SENATOR PALUMBO: Well, Senator, so

1 this is the wrinkle. Under 265.01 of the
2 New York State Penal Law, a person is guilty of
3 criminal possession of a firearm when he or she,
4 one, possesses any firearm.

5 So the mere possession of a
6 firearm -- referring, of course, to the statute
7 that we're amending and adding language to right
8 here -- just the possession of it, regardless of
9 intent, is a Class A misdemeanor.

10 So that's the wrinkle. So please,
11 if you can, reconcile that.

12 SENATOR SEPÚLVEDA: Through you,
13 Mr. President, that's exactly what we're trying
14 to resolve here. If it's a -- we want to use the
15 definition of firearm even if it's a Class A
16 felony. Without this bill, the ghost guns
17 wouldn't fall under that category, and someone
18 can use a ghost gun to injure someone and get
19 away with it; they won't get charged with, say,
20 criminal possession of the use of a firearm.

21 With this, you can actually go after
22 someone under the charge of criminal possession
23 of a firearm in the first degree because you have
24 to have the predicate felon first. And in this
25 case let's say you commit a Class B felony. Now

1 you have the predicate to be able to be charged
2 with criminal use of a firearm in the first
3 degree, which gives you 25 years rather than, you
4 know, a lot less if you're convicted of
5 possession or you use a firearm -- you commit a
6 Class B felony but don't use your typical firearm
7 but instead use a ghost gun.

8 SENATOR PALUMBO: Will the sponsor
9 continue to yield?

10 ACTING PRESIDENT BAILEY: Will the
11 sponsor continue to yield?

12 SENATOR SEPÚLVEDA: Yes.

13 ACTING PRESIDENT BAILEY: The
14 sponsor yields.

15 SENATOR PALUMBO: Well, so,
16 Senator, I guess another wrinkle with that is,
17 though, a ghost gun is simply a gun that is
18 readily capable of producing a shot that can
19 cause serious physical injury or death that just
20 doesn't have a serial number, for example.
21 That's a ghost gun. So that's already covered,
22 in my opinion.

23 But let me ask you this. And I
24 have, under the National Firearms Act, the
25 federal definition of any other weapon. Because

1 that does exist, a definition in our law
2 somewhere. Title 26 of the United States Code,
3 Section 5845: "Any other weapons is any weapon
4 or device capable of being concealed on the
5 person from which a shot can be discharged
6 through the energy of an explosive, a pistol or
7 revolver having a barrel with a smooth bore
8 designed or redesigned to fire a fixed shotgun
9 shell" -- so a prepared shell itself -- "weapons
10 with combination shotgun and rifle barrels
11 12 inches or more, less than 18 inches in length,
12 from which only a single discharge can be made
13 from either barrel without manual reloading, and
14 shall include any such weapon which may be
15 readily restored to fire." So that's a pretty
16 specific definition.

17 Further, "Such term shall not
18 include a pistol or a revolver having a rifle
19 bore or rifle bores, plural, or weapons designed,
20 made or intended to be fired from the shoulder
21 and not capable of firing fixed ammunition."

22 So the federal statute, which is
23 quite clear as a catch-all, is much more limited
24 to specific items. So when we juxtapose that
25 with what you're offering, it doesn't have to be

1 concealable, it doesn't have to be
2 shoulder-fired, but it's anything that can
3 produce a shot.

4 So again -- and I don't mean to
5 bring us back to the flare gun, but I think
6 that's kind of an easy example, because that is a
7 readily prepared ammunition, if you want to call
8 it that, and just about I would say most boaters
9 have those on their boats themselves. So that's
10 what I'm trying to reconcile in my head.

11 So if you could maybe show me
12 somewhere in the statute, if I'm missing it, if
13 there's more to it -- but it's only four lines.
14 So please help me out, if you can.

15 SENATOR SEPÚLVEDA: Through you,
16 Mr. President. Look, the federal statutes, the
17 federal government, they have their own
18 legislation when it comes to guns.

19 New York State, we have our own
20 legislation when it comes to firearms. We're not
21 bound by the federal government. If we want ours
22 to be more expansive, we can be more expansive.

23 And I think in a particular case
24 like this, the flare gun doesn't hold water
25 because the flare gun is not used as a projectile

1 to hurt someone. You may do it accidentally.

2 But when you have a gun that's using -- an item
3 that's using gunpowder to excrete a projectile,
4 that would fall under this definition.

5 SENATOR PALUMBO: Will the sponsor
6 continue to yield?

7 ACTING PRESIDENT BAILEY: Will the
8 sponsor yield?

9 SENATOR SEPÚLVEDA: Yes.

10 ACTING PRESIDENT BAILEY: The
11 sponsor yields.

12 SENATOR PALUMBO: Thank you,
13 Senator.

14 So I'm going to have to try and make
15 some distinctions, though, because there are
16 gunpowder-fired machines used in construction,
17 for example, called a Ram shooter, where you'd
18 shoot nails into concrete with, essentially, a
19 .22 round without a bullet. Your bullet, your
20 projectile, is in fact a nail with a little bit
21 of a plastic casing on it so that it shoots
22 straight.

23 And if you took that thing and were
24 able to discharge it in someone's direction, you
25 bet that's going to hurt someone and could

1 possibly kill them. So is that a firearm
2 pursuant to this statute?

3 SENATOR SEPÚLVEDA: Through you,
4 Mr. President, if in fact these guns use anything
5 that can be used as a projectile, like gunpowder
6 or something like that, if the intent is to hurt
7 someone, then chances are they may fall under
8 this definition.

9 It's about the intent. We can have
10 dozens of examples about how we can use
11 projectiles, but the intent here is to hurt
12 someone or to commit a felony using one of these
13 guns -- or one of these objects.

14 SENATOR PALUMBO: Thank you. Will
15 the Senator continue to yield? Through you,
16 Mr. President.

17 ACTING PRESIDENT BAILEY: Will the
18 Senator continue to yield?

19 SENATOR SEPÚLVEDA: I do.

20 ACTING PRESIDENT BAILEY: The
21 Senator yields.

22 SENATOR PALUMBO: Thank you.

23 And, Senator, could you please point
24 me to where in this statute or the Criminal
25 Procedure Law "intent to harm" is necessary for

1 possession of a firearm?

2 SENATOR SEPÚLVEDA: Through you,
3 Mr. President. That's correct, it can be charged
4 with possession of a firearm if in fact it falls
5 under the category that we've listed here, that's
6 correct. Even without the intent, because
7 possession is not intent.

8 But as long as you're able to fall
9 within the definition of a firearm and you have
10 that -- if you have a ghost gun, for example, in
11 your pocket, then you can be charged with
12 possession of a firearm under this definition.
13 Right now you cannot.

14 SENATOR PALUMBO: Thank you,
15 Senator. I appreciate that.

16 And Mr. President, on the bill.

17 ACTING PRESIDENT BAILEY: Senator
18 Palumbo on the bill.

19 SENATOR PALUMBO: And thank you,
20 Senator Sepúlveda, I appreciate your honesty.

21 That's the answer I was looking for,
22 that you can simply possess a firearm under the
23 sections that already exist, right, under (a)
24 through (e), assault weapons, firearms, as we
25 obviously know, or pistols, revolvers and so

1 forth, shotguns that are short shotguns.

2 But you can also possess now any
3 other weapon that is not otherwise defined in
4 this section, containing any component with a
5 housing, a fire control component, and maybe
6 either designed to or readily be converted to
7 expel a projectile by action of an explosive.

8 That's an AM radio. Because I've
9 seen radio antennas converted to fit a .22 round
10 in them, and a little zip gun with paper clips or
11 otherwise MacGyver-ed pieces of metal that strike
12 the back of a rimfire cartridge -- you just need
13 to hit it anywhere hard enough to make it spark,
14 it ignites the powder, and the projectile goes
15 forward. And you've probably heard of those .
16 They haven't -- they now -- you know, Saturday
17 night specials they'd call, you know, old, cheap
18 guns that were made in someone's garage. That is
19 a dangerous weapon. I completely agree with
20 that.

21 However, if we want to start adding
22 anything that can produce a shot, like a flare
23 gun -- because that fits into the statute, quite
24 frankly -- like a ram shooter or anything else,
25 not only will you be guilty of a crime by

1 possessing it, but you in fact will need a
2 license for it.

3 So this is something that -- and I
4 understand the laudable intent. And I think, as
5 some of my colleagues said in the previous
6 discussions on the bills and, you know, some of
7 my colleagues and sponsors on the other side were
8 talking about gun safety, and this is about
9 bipartisan gun safety, and that everyone should
10 be concerned about public safety.

11 Who really isn't? I mean, we can't
12 say that with a straight face that we all aren't
13 completely concerned about public safety. But we
14 keep adding laws, and you look at a lot of these
15 really restrictive -- from a lawful standpoint,
16 areas of this country -- Baltimore, Chicago,
17 New York, LA -- crime is running -- flying
18 through the roof, and we add another law to say,
19 Well, this is bad. And then we add another law,
20 there's a horrible tragedy -- well, now it's
21 really bad, we're going to say this is really
22 bad.

23 And by admission of the sponsor of
24 the previous bill, one-third of guns used in
25 crimes are bought lawfully. In fact, I've never

1 seen that high a number. I've seen from
2 10 percent down, depending on the study you look
3 at. So less than 10 percent of gun crimes are
4 with legal guns.

5 So what's the answer? Put another
6 law on the books, we'll say hooray, we fixed it?
7 Or -- here's a novel issue -- they do nothing
8 unless they go off. And it reminds me of the
9 situation when you have young police officers who
10 watch a lot of TV and they get to a crime scene,
11 like a homicide scene, and the murder weapon's on
12 the ground next to the decedent. And they see,
13 on TV, they take a pencil and stick it through
14 the trigger guard, they have to disturb the crime
15 scene -- yes, it's probably loaded. You don't
16 need to make it safe. You need to secure the
17 crime scene and not spoil evidence, because it
18 does not go off unless somebody's operating it.

19 So the answer, my friends, is to
20 punish people who unlawfully use guns, not make
21 more lawful guns more difficult to get. Because
22 let's say this is great and you do that and, you
23 know, let's get rid of -- let's ban all guns in
24 New York, because that's where we're going.
25 Let's just do it. That's great. Who's going to

1 have guns? And you think of that old bumper
2 sticker -- I never had it -- but "When guns are
3 outlawed, only outlaws will have guns."

4 Well, the math is even by admission,
5 I think it might have been a little fudged, those
6 numbers -- not intentionally. There may be a
7 study that says that. But by own admission,
8 two-thirds of crimes committed with guns are with
9 illegal guns. So they don't care. They don't go
10 to stick up the 7-11 and say, Oh, I hope I have
11 ten rounds in this magazine, because they're bad
12 guys. And bad girls.

13 So I get it. And this has always
14 been the answer, unfortunately, is that we'll
15 just throw another law on the books, we'll do
16 less and less to the lawful gun owner. There
17 will be more and more restrictions where you
18 cannot have something to protect yourself from
19 the bad guys.

20 Why do you think these soft targets
21 have been targets of these maniacs, school
22 districts? Because nobody's armed. They know
23 they can go in there and wreak havoc. It's
24 awful. You don't see that happening in a police
25 station, do you? For obvious reasons.

1 So I understand -- and certainly we
2 have had this discussion for years, I think, in
3 this building, in this house and the other one.
4 But we all know what the answer is. The answer
5 is to get tough. The answer isn't to make it a
6 misdemeanor to threaten to shoot up a school so
7 you can maybe go home that afternoon and get, you
8 know, yelled at by your parents. No. We make it
9 a real crime, because that will deter people from
10 doing it. Will it eliminate them all the time?
11 It won't. Of course it won't. Because we have
12 sociopaths who are maniacs. Many of them expect
13 to die when they commit a mass shooting.

14 But this is unfortunately not an
15 answer. And this is just going to be so out of
16 control because it is so expansive. When you
17 look at the federal statute, it limits it to
18 concealable guns, it limits it to actual,
19 specific items that are used to force a
20 projectile out, not every single one.

21 So I appreciate the intention of
22 this bill, but it is unfortunately way off the
23 mark. We need to reorganize our priorities. And
24 I would urge my colleagues to vote no.

25 Thank you, Mr. President.

1 ACTING PRESIDENT BAILEY: Are there
2 any other Senators wishing to be heard?

3 Seeing and hearing none, debate is
4 closed. The Secretary will ring the bell.

5 Read the last section.

6 THE SECRETARY: Section 2. This
7 act shall take effect on the 30th day after it
8 shall have become a law.

9 ACTING PRESIDENT BAILEY: Call the
10 roll.

11 (The Secretary called the roll.)

12 ACTING PRESIDENT BAILEY: Senator
13 Sepúlveda to explain his vote.

14 SENATOR SEPÚLVEDA: Thank you,
15 Mr. President, for allowing me for explain my
16 vote.

17 I thank my colleague for a spirited
18 debate.

19 It seems like some of my colleagues
20 believe that doing nothing is the option rather
21 than doing something immediately to combat some
22 of the issues that we have with guns and weapons
23 in this state. I invite all my colleagues to
24 come to the neighborhood that I represent and
25 speak to the mothers who have lost children to

1 ghost guns and see what their position is. The
2 problem we have in this country is the
3 proliferation and availability of weapons. Since
4 President Obama became president, I think the
5 number of weapons that were sold in this country
6 doubled or was 200 percent; since the pandemic,
7 another 200 percent.

8 And there lies the issue with guns
9 in this country. It's the availability of guns.
10 We can put our heads in the sand, deny and deny
11 it and try to get around it, but if there aren't
12 any guns or there are less guns, obviously there
13 would be less violence.

14 The problem we have in my district
15 is exacerbated by the use of ghost guns. Some of
16 these individuals that are using it are clever
17 enough to know that if they use a ghost gun, the
18 criminal charges that they face, the length of
19 sentences that they face is nowhere what it would
20 be if they used a traditional gun. And we have
21 to stop that.

22 I invite you all to come to my
23 district. I invite you all to see how a ghost
24 gun is used. It's not a flare gun. People don't
25 go into places to hurt other people and say

1 either stop or I'm going to shoot a flare gun at
2 you. They use projectiles, a projectile that can
3 be emitted from a gun, from an object that looks
4 like a gun. And ghost guns are becoming a major
5 problem in this state and outside of this state.

6 I've spoken to many law enforcement
7 individuals who have told me if we don't do
8 something about ghost guns, things are going to
9 get worse. And so that is the basis of this
10 legislation.

11 Now, you know, you can try to -- you
12 know, you may want a perfect piece of
13 legislation, but I never let the perfect get in
14 the way of the good. Especially when it's
15 children in the district that I represent that
16 are being murdered, that are being shot and
17 killed by the use of ghost guns, and yet those
18 that perpetrate the crime do not face the full
19 extent of the law because the definition of a
20 ghost gun is not within the definition of a
21 firearm.

22 So I proudly vote yes on this bill,
23 and I hope that it makes a humongous difference
24 for the children that I represent in the
25 South Bronx.

1 Thank you.

2 ACTING PRESIDENT BAILEY: Senator
3 Sepúlveda to be recorded in the affirmative.

4 Announce the results.

5 THE SECRETARY: In relation to
6 Calendar 1875, those Senators voting in the
7 negative are Senators Borrello, Boyle, Gallivan,
8 Griffo, Helming, Jordan, Lanza, Martucci,
9 Mattera, Oberacker, O'Mara, Ortt, Palumbo, Rath,
10 Ritchie, Serino, Stec, Tedisco and Weik.

11 Ayes, 44. Nays, 19.

12 ACTING PRESIDENT BAILEY: The bill
13 is passed.

14 THE SECRETARY: Calendar Number
15 1876, Senate Print 9458, by Senator Thomas, an
16 act to amend the Penal Law.

17 ACTING PRESIDENT BAILEY: Read the
18 last section -- I'm sorry.

19 Senator --

20 SENATOR AKSHAR: I want to ask a
21 question when it's appropriate.

22 ACTING PRESIDENT BAILEY: Sure. I
23 wasn't sure who was debating.

24 Senator Akshar, why do you rise?

25 SENATOR AKSHAR: Would the sponsor

1 yield for a few questions.

2 ACTING PRESIDENT BAILEY: Will the
3 sponsor yield?

4 SENATOR THOMAS: Yes, if it's
5 short.

6 (Laughter.)

7 ACTING PRESIDENT BAILEY: The
8 sponsor conditionally yields, apparently.

9 SENATOR THOMAS: Yes. Yes. Yes.

10 SENATOR AKSHAR: Am I standing
11 between you and supper?

12 (Laughter.)

13 SENATOR THOMAS: No, absolutely
14 not.

15 SENATOR AKSHAR: Mr. President,
16 through you --

17 ACTING PRESIDENT BAILEY: The
18 sponsor does yield.

19 SENATOR AKSHAR: Thank you.

20 The bill is seven pages long. On
21 14 occasions the bill uses the words "take
22 possession." I'm wondering -- Mr. President,
23 through you -- if the sponsor could give me a
24 definition of those two words, "take possession."
25 What does that mean?

1 SENATOR THOMAS: Through you,
2 Mr. President. This piece of legislation is
3 about saving lives, because thoughts and prayers
4 no longer work. This piece of legislation is not
5 about taking away anyone's guns, it's about a
6 permitting process for individuals that want to
7 purchase a semiautomatic rifle.

8 Now, you ask me what does it mean to
9 take possession; Webster's Dictionary will
10 probably tell you: To take something from
11 someone else.

12 SENATOR AKSHAR: Mr. President,
13 through you, if the sponsor will continue to
14 yield.

15 ACTING PRESIDENT BAILEY: Senator
16 Thomas, do you yield?

17 SENATOR THOMAS: Yes.

18 ACTING PRESIDENT BAILEY: The
19 sponsor yields.

20 SENATOR AKSHAR: Yeah, I don't give
21 a damn what Webster's Dictionary said. Webster
22 didn't write the bill, you did. What did you
23 mean by that?

24 SENATOR THOMAS: Through you,
25 Mr. President, the Webster's Dictionary would

1 basically say the same thing.

2 SENATOR AKSHAR: Mr. President,
3 through you, if the sponsor will continue to
4 yield.

5 ACTING PRESIDENT BAILEY: Will the
6 sponsor yield?

7 SENATOR THOMAS: Yes.

8 ACTING PRESIDENT BAILEY: The
9 sponsor yields.

10 SENATOR AKSHAR: Would the sponsor
11 be so kind to tell me what Webster's Dictionary
12 says with respect to "take possession"?

13 SENATOR THOMAS: Through you,
14 Mr. President, we are here to discuss this bill
15 today, not to discuss what's in the dictionary.

16 I was responding to what I meant --
17 or what the bill meant by "take possession." So
18 I told you what that basically meant.

19 SENATOR AKSHAR: Mr. President,
20 through you, if the sponsor would continue to
21 yield.

22 ACTING PRESIDENT BAILEY: Will the
23 sponsor yield?

24 SENATOR THOMAS: Yes.

25 ACTING PRESIDENT BAILEY: The

1 sponsor yields.

2 SENATOR AKSHAR: Well, all due
3 respect, Senator, that's why I'm asking the
4 questions, because I care about what the bill
5 says. You wrote the bill. On 14 occasions it
6 uses the words "or to purchase or take possession
7 of a semiautomatic rifle." What does that mean,
8 "take possession"? It's a relatively simple
9 question.

10 SENATOR THOMAS: Through you,
11 Mr. President, for this purpose in the bill it's
12 about someone giving someone a gun, purchasing a
13 gun -- what else -- bartering a gun. But again,
14 that's what I was saying before.

15 SENATOR AKSHAR: Mr. President,
16 thank you. If the sponsor would continue to
17 yield.

18 ACTING PRESIDENT BAILEY: Will the
19 sponsor yield?

20 SENATOR THOMAS: Yes.

21 ACTING PRESIDENT BAILEY: The
22 sponsor yields.

23 SENATOR AKSHAR: Senator, would
24 that include the temporary -- temporarily taking
25 possession of, such as maybe borrowing a

1 semiautomatic rifle? If you were to go on a
2 hunting trip with your father or your grandfather
3 and he in fact gave you -- let you borrow a
4 semiautomatic .30-06 deer rifle, would that fall
5 within that scope of "take possession"?

6 SENATOR THOMAS: Through you,
7 Mr. President. Again, this bill is about
8 purchasing, not about a possession license. It's
9 about a purchasing permit.

10 SENATOR AKSHAR: All right.
11 Mr. President, through you, if the sponsor would
12 continue to yield.

13 ACTING PRESIDENT BAILEY: Does the
14 sponsor yield?

15 SENATOR THOMAS: Yes.

16 ACTING PRESIDENT BAILEY: The
17 Senator yields.

18 SENATOR AKSHAR: Does the
19 legislation prevent anybody from traveling out of
20 the state to purchase a semiautomatic rifle and
21 bring it back into the State of New York?

22 SENATOR THOMAS: Through you,
23 Mr. President, I am a New York State Senator and
24 I cannot prevent an individual from going to
25 another state to purchase a gun.

1 SENATOR AKSHAR: Mr. President,
2 through you, if the sponsor would continue to
3 yield.

4 ACTING PRESIDENT BAILEY: Will the
5 sponsor yield?

6 SENATOR THOMAS: Yes.

7 ACTING PRESIDENT BAILEY: The
8 sponsor yields.

9 SENATOR AKSHAR: If I own a dozen
10 semiautomatic hunting rifles currently, and
11 90 days after this bill passes, what process
12 would I go through if I chose to purchase my
13 13th semiautomatic rifle?

14 SENATOR THOMAS: Through you,
15 Mr. President. Right now, if you own a
16 semiautomatic rifle, you do not have to get a
17 permit. But if you are going to get a new
18 semiautomatic rifle, you will have to go through
19 the permitting process which is described in the
20 bill.

21 SENATOR AKSHAR: Mr. President,
22 through you, if the sponsor would continue to
23 yield.

24 ACTING PRESIDENT BAILEY: Will the
25 sponsor yield?

1 SENATOR THOMAS: Yes.

2 ACTING PRESIDENT BAILEY: The
3 sponsor continues to yield.

4 SENATOR AKSHAR: So can you -- just
5 for my own edification and the edification of the
6 people of this great state, can you explain how
7 the licensing process would work pursuant to your
8 legislation?

9 SENATOR THOMAS: So the licensing
10 process, if you look at Section 3 of the bill, it
11 has -- it says "Applications." And applications
12 shall state the full name, date of birth,
13 residence, present occupation of each person or
14 individual signing the same, whether or not he is
15 a citizen of the United States, whether or not he
16 complies with each requirement for eligibility
17 specified in subdivision 1 of the section, and
18 such other facts as may be required.

19 So this is basically your pedigree
20 information, your character and fitness, a
21 background check. So that's what entails a
22 permitting process for this specific gun.

23 SENATOR AKSHAR: Mr. President,
24 through you, if the sponsor would continue to
25 yield.

1 ACTING PRESIDENT BAILEY: Will the
2 sponsor yield?

3 SENATOR THOMAS: Yes.

4 ACTING PRESIDENT BAILEY: The
5 sponsor yields.

6 SENATOR AKSHAR: So, Senator, is it
7 the same process as one would go through to apply
8 for a pistol permit?

9 SENATOR THOMAS: Correct, yes.

10 SENATOR AKSHAR: Mr. President,
11 through you, if the sponsor will yield.

12 ACTING PRESIDENT BAILEY: Will the
13 sponsor yield?

14 SENATOR THOMAS: Yes.

15 ACTING PRESIDENT BAILEY: The
16 sponsor yields.

17 SENATOR AKSHAR: So I have a pistol
18 permit back at home. If I wanted -- 90 days
19 after this becomes law, if I wanted to go and
20 purchase a semiautomatic hunting rifle, would I
21 have to go and get a new permit?

22 SENATOR THOMAS: Through you,
23 Mr. President, the licensing officers will be
24 able to make a determination on that. But I
25 don't -- I don't see an issue with that.

1 SENATOR AKSHAR: Mr. President,
2 through you, if the sponsor would continue to
3 yield.

4 ACTING PRESIDENT BAILEY: Will the
5 sponsor yield?

6 SENATOR THOMAS: Yes.

7 ACTING PRESIDENT BAILEY: The
8 sponsor yields.

9 SENATOR AKSHAR: If you'd be so
10 kind, can you clarify that a little bit?

11 I mean, my question very
12 specifically is, there are many pistol permit
13 holders throughout this great state. Ninety days
14 after this becomes law, would they -- if they
15 chose to buy a semiautomatic hunting rifle, would
16 they have to go through a new permitting process,
17 get a new permit or a new license for that
18 semiautomatic hunting rifle?

19 SENATOR THOMAS: Through you,
20 Mr. President, they would still need a separate
21 permit. But your licensing officer should to be
22 able to give you more instructions on what you
23 need to do next.

24 SENATOR AKSHAR: Mr. President,
25 through you, if the sponsor would continue to

1 yield.

2 ACTING PRESIDENT BAILEY: Will the
3 sponsor yield?

4 SENATOR THOMAS: Yes.

5 ACTING PRESIDENT BAILEY: The
6 sponsor yields.

7 SENATOR AKSHAR: I want to make
8 sure I'm clear about this, because it doesn't
9 sound like, as the author of this bill, you're
10 clear at all about what will happen with
11 respect -- during the licensing process.

12 Now, am I -- I buy a .30-06
13 semiautomatic hunting rifle, or I want to buy
14 that. Do I go and see the pistol permit clerk at
15 the sheriff's office and say, "Brian, I just
16 bought a .30-06 hunting rifle, will you put it on
17 my permit?" And he puts it on my permit, then I
18 can go back to the store, pick it up and bring it
19 home?

20 SENATOR THOMAS: Through you,
21 Mr. President, you would still need to go through
22 a new permitting process to get a semiautomatic
23 rifle.

24 SENATOR AKSHAR: All right,
25 Mr. President, through you, if the sponsor would

1 continue to yield.

2 ACTING PRESIDENT BAILEY: Will the
3 sponsor yield?

4 SENATOR THOMAS: Yes.

5 ACTING PRESIDENT BAILEY: The
6 sponsor yields.

7 SENATOR AKSHAR: So 90 days after
8 this becomes law, anyone -- either if you're a
9 card-bearing member of having a pistol permit,
10 you would still be required to go to the
11 licensing agency in your respective county, fill
12 out a new application, and wait for whoever the
13 issuing authority is to give you the blessing
14 whether or not you can legally possess that
15 firearm?

16 SENATOR THOMAS: Through you,
17 Mr. President, it's a process of amending your
18 permit. If you've ever had a permit before, and
19 if you wanted to add another gun, you would go
20 and amend it. Correct? This is exactly what it
21 would entail.

22 SENATOR AKSHAR: Mr. President,
23 through you, if the sponsor would continue to
24 yield.

25 ACTING PRESIDENT BAILEY: Will the

1 sponsor yield?

2 SENATOR THOMAS: Yes.

3 ACTING PRESIDENT BAILEY: The
4 sponsor yields.

5 SENATOR AKSHAR: Does the sponsor
6 have a pistol permit?

7 SENATOR THOMAS: Through you,
8 Mr. President, no, I do not.

9 SENATOR AKSHAR: Mr. President,
10 through you, if the sponsor would continue to
11 yield.

12 ACTING PRESIDENT BAILEY: Will the
13 sponsor yield?

14 SENATOR THOMAS: Yes.

15 ACTING PRESIDENT BAILEY: The
16 sponsor yields.

17 SENATOR AKSHAR: So you've never --
18 you've never amended a pistol permit?

19 SENATOR THOMAS: Through you,
20 Mr. President, if I never had a permit before,
21 I've never amended a permit. So yes.

22 SENATOR AKSHAR: I'm on the bill
23 for just a moment.

24 ACTING PRESIDENT BAILEY: Senator
25 Akshar on the bill.

1 SENATOR AKSHAR: This is the
2 problem with this bill. You've authored a bill,
3 you have no idea how the process works.

4 This is -- this is the problem. In
5 one breath you are saying you have to go out and
6 get a new license, you have to go through a new
7 application process, and then in the second
8 breath you're saying, well, no, you would just go
9 and amend your pistol permit. You would just add
10 the .30-06 to your existing permit.

11 SENATOR THOMAS: Mr. President, may
12 I respond to that?

13 SENATOR AKSHAR: Sure.

14 ACTING PRESIDENT BAILEY: Senator
15 Thomas -- is Senator Thomas asking Senator Akshar
16 to yield?

17 Do you yield to a question? Senator
18 Akshar yields to a question from Senator Thomas.

19 SENATOR THOMAS: This bill is about
20 saving lives. There might be some technicalities
21 here and there, there might be some bureaucracies
22 involved in this. But this is about saving lives
23 and raising the age of individuals trying to get
24 a semiautomatic that's being used to kill
25 individuals.

1 If you want to change the process at
2 these gun licensing agencies, you should put in a
3 bill.

4 SENATOR AKSHAR: Mr. President,
5 through you, if the sponsor would continue to
6 yield.

7 ACTING PRESIDENT BAILEY: Will the
8 sponsor yield?

9 SENATOR THOMAS: Yes.

10 ACTING PRESIDENT BAILEY: The
11 sponsor yields.

12 SENATOR AKSHAR: So this bill
13 really is about raising the age of young people
14 being able to buy firearms, 18-, 19-, or
15 20-year-olds?

16 SENATOR THOMAS: Through you,
17 Mr. President, yes. And to ensure a proper
18 background check.

19 SENATOR AKSHAR: Mr. President,
20 through you, if the sponsor would continue to
21 yield.

22 ACTING PRESIDENT BAILEY: Will the
23 sponsor yield?

24 SENATOR THOMAS: Yes.

25 ACTING PRESIDENT BAILEY: The

1 sponsor yields.

2 SENATOR AKSHAR: How will this bill
3 affect school-aged children who are engaged in
4 shooting sports?

5 SENATOR THOMAS: Through you,
6 Mr. President, they would need to use other types
7 of rifles.

8 SENATOR AKSHAR: Mr. President,
9 through you, if the sponsor would continue to
10 yield.

11 ACTING PRESIDENT BAILEY: Will the
12 sponsor yield?

13 SENATOR THOMAS: Yes.

14 ACTING PRESIDENT BAILEY: The
15 sponsor yields.

16 SENATOR AKSHAR: Like what kind of
17 rifle?

18 SENATOR THOMAS: Through you,
19 Mr. President, bolt action. Guns with bolt
20 action. Not a semiautomatic.

21 SENATOR AKSHAR: Mr. President,
22 through you, if the sponsor would continue to
23 yield.

24 ACTING PRESIDENT BAILEY: Will the
25 sponsor yield?

1 SENATOR THOMAS: Yes.

2 ACTING PRESIDENT BAILEY: The
3 sponsor yields.

4 SENATOR AKSHAR: So any
5 school-sanctioned shooting program that used
6 semiautomatic weapons would no longer be able to
7 be in existence, under the construct of this law.

8 SENATOR THOMAS: Through you,
9 Mr. President, I don't know of how many school
10 districts have such a program where they use a
11 semiautomatic. But we could obviously work with
12 them and the State Education Department to see
13 what other types of rifles they could use to
14 continue their program.

15 SENATOR AKSHAR: Mr. President,
16 through you, if the sponsor would continue to
17 yield.

18 ACTING PRESIDENT BAILEY: Will the
19 sponsor yield?

20 SENATOR THOMAS: Yes.

21 ACTING PRESIDENT BAILEY: The
22 sponsor yields.

23 SENATOR AKSHAR: Senator, I just
24 want to come back to the permitting piece, if I
25 may, for just a moment. I want to make sure that

1 I completely understand how we're moving forward,
2 because this inevitably will be signed into law.

3 And I agree with you, you've heard
4 it a lot today -- I said it after Senator Kennedy
5 spoke about the tragedy in Buffalo, that it was
6 my hope that we could move the conversation and
7 the policy forward in a positive direction. And
8 as you've seen, in these bills today, you saw
9 some bipartisanship.

10 But I want to understand whether or
11 not, when I go home to talk to my constituency,
12 many of whom have semiautomatic hunting rifles,
13 who have pistol permits, if in fact they're going
14 to have to apply once again for a specific permit
15 to be able to purchase that semiautomatic hunting
16 rifle.

17 SENATOR THOMAS: Through you,
18 Mr. President, I believe I answered this like
19 five different times already.

20 SENATOR AKSHAR: Mr. President,
21 through you, if the sponsor will continue to
22 yield.

23 ACTING PRESIDENT BAILEY: Will the
24 sponsor yield? Will the sponsor yield?

25 SENATOR THOMAS: Yes.

1 ACTING PRESIDENT BAILEY: The
2 sponsor yields.

3 SENATOR AKSHAR: You did answer it
4 five times. Five different ways. So I am asking
5 it the sixth time.

6 Mr. President, so just --

7 ACTING PRESIDENT BAILEY: The
8 sponsor has yielded, Senator Akshar.

9 SENATOR AKSHAR: So the question
10 again is, do you have to go now, fill out a new
11 application form 90 days from the enactment of
12 this law -- new application form, a whole host of
13 things happen, a process takes place. Where from
14 I'm from, the sheriff sends it to the county
15 court judge, the county court judge is the
16 issuing authority. He or she will make that
17 decision.

18 Is that process going to happen? Or
19 is a pistol permit holder simply going to be able
20 to go and buy that .30-06 rifle and just amend
21 his or her pistol permit?

22 SENATOR THOMAS: Through you,
23 Mr. President, they would need to go through a
24 separate application process for a semiautomatic
25 rifle. But since they are already a permit

1 holder, they can talk to the issuing agency. It
2 would make it a lot easier.

3 But if you have any suggestions on
4 making it easier, you know, I'm more than open to
5 it.

6 SENATOR AKSHAR: Mr. President,
7 through you, if the sponsor would continue to
8 yield.

9 ACTING PRESIDENT BAILEY: Will the
10 sponsor yield?

11 SENATOR THOMAS: Yes.

12 ACTING PRESIDENT BAILEY: The
13 sponsor yields.

14 SENATOR AKSHAR: Is the sponsor
15 willing to lay the bill aside for the day and
16 have a follow-up conversation about making the
17 bill better?

18 SENATOR THOMAS: Through you,
19 Mr. President, no.

20 SENATOR AKSHAR: I just --
21 Mr. President, through you, if the sponsor would
22 continue to yield, I'll just ask a couple more
23 questions.

24 ACTING PRESIDENT BAILEY: Will the
25 sponsor yield?

1 SENATOR THOMAS: Yes.

2 ACTING PRESIDENT BAILEY: The
3 sponsor yields.

4 SENATOR AKSHAR: I just want to go
5 back to this issue about travelling out of state.
6 I don't think I articulated it well enough.

7 Would it be illegal for me, 90 days
8 after the enactment, to travel to Virginia, buy a
9 .30-06 semiautomatic hunting rifle, and then
10 bring it back to New York? Would I be in
11 violation of the law?

12 SENATOR THOMAS: Through you,
13 Mr. President, we are only talking about
14 purchases that are made inside of New York State,
15 not outside.

16 SENATOR AKSHAR: Mr. President, I
17 thank the sponsor for answering my questions.
18 I'll all set, thank you.

19 ACTING PRESIDENT BAILEY: Thank
20 you, Senator Akshar.

21 Senator Stec.

22 SENATOR STEC: Thank you. Will the
23 sponsor yield, please.

24 SENATOR THOMAS: Yes.

25 ACTING PRESIDENT BAILEY: Will the

1 sponsor yield? The sponsor yields.

2 SENATOR STEC: All right, I've been
3 paying attention to the debate my colleague just
4 had, and I think I have more questions now than I
5 did before you started the debate. So I want to
6 make sure, I'm going to repeat some of these
7 questions.

8 You said yourself you do not have or
9 are not familiar with, have never been through
10 the pistol permit process. Is that true,
11 Senator?

12 SENATOR THOMAS: Through you,
13 Mr. President, yes.

14 SENATOR STEC: All right. Will the
15 sponsor continue to yield?

16 ACTING PRESIDENT BAILEY: Will the
17 sponsor yield?

18 SENATOR THOMAS: Yes.

19 ACTING PRESIDENT BAILEY: The
20 sponsor yields.

21 SENATOR STEC: So are you also
22 unaware of what's involved in getting a pistol
23 permit? Are you familiar with the cost, the
24 time, the process at all?

25 SENATOR THOMAS: Through you,

1 Mr. President, since I never obtained a license
2 to have a pistol, I do not -- I am not aware of
3 what it takes to do that.

4 But reading the law here, I am
5 familiar with what they need.

6 SENATOR STEC: All right. And yet
7 you're authoring legislation on the subject.

8 If the sponsor would continue to
9 yield --

10 ACTING PRESIDENT BAILEY: Are you
11 asking the sponsor to yield?

12 Will the sponsor yield?

13 SENATOR THOMAS: Yes.

14 ACTING PRESIDENT BAILEY: The
15 sponsor yields.

16 SENATOR STEC: All right. So are
17 you familiar that the pistol permit process
18 requires a criminal background check be performed
19 by the sheriff's office, it involves the county
20 judge signing off, it involves fingerprinting,
21 the whole nine -- are you aware of that?

22 SENATOR THOMAS: Through you,
23 Mr. President. In Nassau County, where I reside,
24 we do not need a judge to sign off on that. It's
25 a different process.

1 SENATOR STEC: Okay. There's 62
2 other counties in the state.

3 If the sponsor will continue to
4 yield.

5 ACTING PRESIDENT BAILEY: Will the
6 sponsor yield?

7 SENATOR THOMAS: Yes.

8 ACTING PRESIDENT BAILEY: The
9 sponsor yields.

10 SENATOR STEC: Are you suggesting
11 that this application process under this bill for
12 semiautomatic long guns would be similar,
13 identical, very similar to the pistol permit
14 process? Would there be background checks,
15 fingerprinting, you know, an analogous process to
16 what pistol permit processes are in the rest of
17 the state?

18 SENATOR THOMAS: Through you,
19 Mr. President, yes.

20 SENATOR STEC: If the sponsor would
21 continue to yield, please.

22 ACTING PRESIDENT BAILEY: Will the
23 sponsor yield?

24 SENATOR THOMAS: Yes.

25 ACTING PRESIDENT BAILEY: The

1 sponsor yields.

2 SENATOR STEC: All right. So now
3 you're aware that there are a lot of people that
4 have long guns that don't have pistol permits?

5 SENATOR THOMAS: Yes.

6 SENATOR STEC: Will the sponsor
7 continue to yield?

8 ACTING PRESIDENT BAILEY: Does the
9 sponsor yield?

10 The sponsor yields.

11 SENATOR STEC: All right. So
12 you're suggesting that the millions of
13 New Yorkers that own long guns, if they already
14 own the long gun, they don't need to go through
15 this process.

16 But as my colleague said, if they
17 already owned a dozen long guns, if they wanted
18 to buy another long gun in New York State, they
19 would have to go and apply for this semiautomatic
20 permit. Is that true?

21 SENATOR THOMAS: Through you,
22 Mr. President, it's a semiautomatic rifle that we
23 are putting the permitting process on. And we
24 are raising the age to 21 for a reason. Because
25 right now --

1 SENATOR STEC: That's not my
2 question. If the sponsor would continue to
3 yield.

4 ACTING PRESIDENT BAILEY: If you'd
5 allow Senator Thomas to continue his answer,
6 Senator Stec.

7 SENATOR STEC: No, I'm not, I want
8 him to answer the question I'm trying to ask.

9 If the sponsor will continue --

10 ACTING PRESIDENT BAILEY: Senator
11 Stec. Senator Stec. Senator Thomas was
12 answering your question. Whether you like the
13 answer or not is immaterial. He was answering
14 your question.

15 Are you asking him to yield?

16 SENATOR STEC: I have a new
17 question, if he would yield.

18 ACTING PRESIDENT BAILEY: Will you
19 yield?

20 SENATOR THOMAS: Yes.

21 ACTING PRESIDENT BAILEY: Senator
22 Thomas yields.

23 SENATOR STEC: So if you already
24 own a dozen semiautomatic rifles, you don't need
25 a permit. But if you go and you want to buy

1 another one in New York, you will need to go
2 through this permit process; correct?

3 SENATOR THOMAS: Through you,
4 Mr. President, yes. Because there are going to
5 be additional requirements for you to undergo in
6 order to get that semiautomatic rifle.

7 If you've never had a pistol permit
8 before and you've had the semiautomatic rifles,
9 it is logical that you have to go through the
10 fingerprinting, the criminal background checks
11 and other checks before you are given a permit
12 for a semiautomatic.

13 SENATOR STEC: If the sponsor would
14 yield.

15 ACTING PRESIDENT BAILEY: Would the
16 sponsor yield?

17 SENATOR THOMAS: Yes.

18 ACTING PRESIDENT BAILEY: The
19 sponsor yields.

20 SENATOR STEC: So if you're one of
21 those gun owners that has a pistol permit
22 already, are you saying that your process, your
23 application process to buy a semiautomatic rifle
24 would be simpler because you already have a
25 pistol permit, that there will be two processes,

1 one for people that already have a pistol permit
2 and one for people that don't have any permit at
3 all?

4 SENATOR THOMAS: Through you,
5 Mr. President, I think I've answered this like a
6 bazillion times already.

7 But listen, there's going to be
8 another application for a semiautomatic rifle.
9 All right? If you've already had a permit for a
10 pistol before, you can go talk to your licensing
11 agency. I don't know how many times I have to
12 repeat that.

13 SENATOR STEC: All right. If the
14 sponsor will continue to yield.

15 ACTING PRESIDENT BAILEY: Will the
16 sponsor yield?

17 SENATOR THOMAS: Yes.

18 ACTING PRESIDENT BAILEY: The
19 sponsor yields.

20 SENATOR STEC: If you move here
21 from another state and you bring your hunting
22 rifles with you, do they need to be licensed?

23 You move into New York -- you're one
24 of the few people that move into the State of
25 New York from another state, for all that we have

1 to offer. Do you have to get a pistol permit --
2 or a -- sorry, a semiautomatic rifle permit?

3 SENATOR THOMAS: Through you,
4 Mr. President, if you're bringing, you know, a
5 gun from outside the state which was legal in
6 that state and you're bringing it into New York,
7 no, you do not need another license.

8 SENATOR STEC: Will the sponsor
9 continue to yield.

10 ACTING PRESIDENT BAILEY: Will the
11 sponsor yield?

12 SENATOR THOMAS: Yes.

13 ACTING PRESIDENT BAILEY: The
14 sponsor yields.

15 SENATOR STEC: If you're a
16 New Yorker and you want to go to another state
17 and buy a weapon there and bring it back -- I
18 just want to make sure we get the same answer
19 twice.

20 SENATOR THOMAS: Through you,
21 Mr. President. Again, you and I are both
22 New York State Senators. I don't understand why
23 I need to try and explain what another state's
24 law is and what hypothetical state you're talking
25 about here.

1 SENATOR STEC: If the sponsor would
2 continue to yield, my question is, is that gun
3 legal in New York?

4 ACTING PRESIDENT BAILEY: Will the
5 sponsor yield? The sponsor yields.

6 SENATOR THOMAS: Repeat the
7 question again?

8 SENATOR STEC: If you had this
9 permit -- or if you didn't have a permit, you
10 went to New Jersey and bought a semiautomatic
11 rifle there and came back to New York, would you
12 be violating this law?

13 SENATOR THOMAS: This law is about
14 guns that are bought here in New York.

15 SENATOR STEC: If the sponsor would
16 continue to yield.

17 ACTING PRESIDENT BAILEY: Will the
18 sponsor yield?

19 SENATOR THOMAS: Yes.

20 ACTING PRESIDENT BAILEY: The
21 sponsor yields.

22 SENATOR STEC: All right.

23 "Take possession." So I've gone
24 through this process again for a long rifle
25 semiautomatic permit. And I have guns -- or I

1 already have long guns, but I have them and I
2 want to let my 17- or 18-year-old son take
3 possession of them to go hunting. Are either one
4 of us violating this law?

5 SENATOR THOMAS: Through you,
6 Mr. President, this is not a possession permit.
7 This is a permit to purchase a semiautomatic.

8 So if you're going hunting with your
9 loved one and you are handing the gun over to
10 them to do whatever they need to do, you're not
11 in violation of the law.

12 SENATOR STEC: All right. Will the
13 sponsor continue to yield?

14 ACTING PRESIDENT BAILEY: Will the
15 sponsor yield?

16 SENATOR THOMAS: Yes.

17 SENATOR STEC: All right, so over
18 the last week or so we've seen commercials and
19 news reports from our Governor talking about
20 raising the age to buy AR-15s.

21 Is it fair to say that this
22 legislation goes far beyond raising the age to
23 buy an AR-15, it's more than that?

24 SENATOR THOMAS: Through you,
25 Mr. President, I don't think it goes far beyond.

1 Because we are making the same requirements that
2 you need in order to get a pistol permit for a
3 semiautomatic rifle.

4 SENATOR STEC: Will the sponsor
5 continue to yield?

6 ACTING PRESIDENT BAILEY: Will the
7 sponsor yield?

8 SENATOR THOMAS: Yes.

9 ACTING PRESIDENT BAILEY: The
10 sponsor yields.

11 SENATOR STEC: Does this bill only
12 apply to AR-15s?

13 SENATOR THOMAS: No. Through you,
14 Mr. President, it applies to all semiautomatic
15 rifles.

16 SENATOR STEC: All right. If the
17 sponsor would continue to yield.

18 ACTING PRESIDENT BAILEY: Will the
19 sponsor yield?

20 SENATOR THOMAS: Yes.

21 ACTING PRESIDENT BAILEY: The
22 sponsor yields.

23 SENATOR STEC: Regardless of
24 caliber? Would it apply to a .22?

25 SENATOR THOMAS: Through you,

1 Mr. President, it's a semiautomatic. Right? So
2 it's when a gun that can shoot faster bullets
3 because it reloads faster -- those are the type
4 of guns that we're talking about here.

5 So a .22 -- can you describe what
6 that is?

7 SENATOR STEC: Will the sponsor
8 yield?

9 ACTING PRESIDENT BAILEY: Will the
10 sponsor yield?

11 SENATOR STEC: I want to make sure
12 I understand your question. Are you asking me to
13 describe to you what a .22 is?

14 SENATOR THOMAS: Through you,
15 Mr. President, is it a semiautomatic?

16 SENATOR STEC: On the bill.

17 ACTING PRESIDENT BAILEY: Senator
18 Stec on the bill.

19 SENATOR STEC: Mr. President, we're
20 all concerned about safety. We all abhor gun
21 violence, all of us.

22 If you're going to bother with
23 legislation and you're going to jerk around
24 19 million New Yorkers, millions of gun owners
25 that own their weapons lawfully, have for years,

1 the first thing I think you should do is make
2 sure you're familiar with the topic that you're
3 going to author legislation on.

4 Second, it should be enforceable and
5 understandable.

6 I went through this exercise of
7 asking these questions, like my colleague did,
8 because a lot of us are going to be asked
9 questions at home about this, and all they know
10 is what they've been seeing on the television for
11 the last seven days, where we're going to raise
12 the age on buying an AR-15.

13 This bill goes far beyond that. And
14 if you say we're going to make 21-year-olds --
15 before I saw this legislation, I had in my mind
16 that we were going to be showing a driver's
17 license at the gun store to show that we were
18 21 years old. And I think that. If I thought
19 that, there's a lot of people in this room that
20 thought that, and I know there are a lot of
21 constituents back home that were thinking, oh,
22 okay, we're raising the age to 21 to buy an
23 assault weapon.

24 What this bill does is -- the vast
25 majority of long guns sold in the United States

1 today are semiautomatic. The bill's sponsor
2 doesn't even know what a .22 is. And we're
3 talking about if it's a semiautomatic weapon --
4 that's almost every long gun that's sold. And
5 this isn't flash the driver's license, I'm
6 21 years old. This is do the pistol permit
7 process all over again for millions of
8 New Yorkers that have not had a problem owning or
9 possessing a gun.

10 This bill does nothing more than
11 hassle lawful gun owners. This bill will do very
12 little in a practical sense to stop gun violence.
13 And frankly, the sponsor should be embarrassed
14 for his lack of knowledge on the subject.

15 ACTING PRESIDENT BAILEY: Are there
16 any other Senators wishing to be heard?

17 Senator Ryan on the bill.

18 SENATOR RYAN: Will the sponsor
19 yield for a question?

20 SENATOR THOMAS: Through you,
21 Mr. President, yes.

22 ACTING PRESIDENT BAILEY: The
23 Senator yields.

24 SENATOR RYAN: Two weeks ago there
25 was a horrific crime in Buffalo, and the crime

1 was perpetrated by an 18-year-old who went to a
2 gun store and he bought a Bushmaster XM15 AR-15
3 semiautomatic assault-style rifle.

4 Today, in New York State, can that
5 18-year-old buy that without any restrictions?

6 SENATOR THOMAS: Through you,
7 Mr. President, yes. All they need to do is go to
8 the gun store and get a background check done,
9 and they will have it.

10 SENATOR RYAN: So through you,
11 Mr. President, you've passed a basic federal
12 background check, it takes minutes, then you can
13 walk out with that gun.

14 SENATOR THOMAS: Through you,
15 Mr. President, yes.

16 SENATOR RYAN: Any licensing, any
17 training?

18 SENATOR THOMAS: Through you,
19 Mr. President, no.

20 SENATOR RYAN: Through you,
21 Mr. President, would this bill, if this passes
22 and the Governor signs it, would that same
23 18-year-old be able to buy that gun in the same
24 way?

25 ACTING PRESIDENT BAILEY: Senator

1 Thomas, do you yield?

2 SENATOR THOMAS: Yes.

3 ACTING PRESIDENT BAILEY: The
4 sponsor yields.

5 SENATOR THOMAS: Through you,
6 Mr. President, no, they will not be able to,
7 because the age would be now 21 years, and they
8 would have to go through additional checks in
9 order to purchase that semiautomatic.

10 SENATOR RYAN: Thank you very much.
11 I have no further questions.

12 SENATOR THOMAS: Thank you.

13 ACTING PRESIDENT BAILEY: Thank
14 you, Senator Ryan.

15 Senator Weik, are you asking the
16 sponsor to yield?

17 SENATOR WEIK: Through you,
18 Mr. President, does the sponsor yield for a
19 question?

20 SENATOR THOMAS: Yes.

21 SENATOR WEIK: So you're telling me
22 an 18-year-old can go to Pennsylvania, buy that
23 semiautomatic rifle, and come back to New York
24 and there's no problem?

25 SENATOR THOMAS: Through you,

1 Mr. President. Again, we control the laws here
2 in the State of New York. What they are able to
3 do in another state, we are not here to regulate.

4 SENATOR WEIK: So what I heard was
5 yes.

6 ACTING PRESIDENT BAILEY: Senator
7 Weik, are you asking the sponsor to yield?

8 SENATOR WEIK: I'm sorry. Through
9 you, Mr. President.

10 So what I'm hearing you say is yes,
11 any 18-year-old can go to another state, buy
12 those weapons, come back to our state and commit
13 the same heinous crime.

14 SENATOR THOMAS: Through you,
15 Mr. President, are you advocating for federal gun
16 control? Because that's what we need in order
17 for that to stop.

18 SENATOR WEIK: I'm sorry, are you
19 asking me a question?

20 ACTING PRESIDENT BAILEY: I'd like
21 to remind our colleagues that the hour may be
22 late, but we pride ourselves on decorum.

23 So are you asking the sponsor to
24 yield, Senator Weik?

25 SENATOR WEIK: No. He seemed to be

1 asking me a question, sir.

2 SENATOR THOMAS: It was rhetorical.

3 ACTING PRESIDENT BAILEY: Senator
4 Thomas, your answer was?

5 SENATOR THOMAS: Through you,
6 Mr. President, listen. I'm a New York State
7 Senator, I regulate what happens within this
8 state. What they do outside of the state and
9 what laws are governing that transaction, it's
10 not up to me.

11 SENATOR WEIK: Mr. President, on
12 the bill.

13 ACTING PRESIDENT BAILEY: Senator
14 Weik on the bill.

15 SENATOR WEIK: So basically this
16 bill does absolutely nothing to protect
17 New Yorkers because 18-year-olds can still go to
18 other states, purchase the same gun and come back
19 to our state and commit the same heinous crime.
20 And so this bill essentially does absolutely,
21 positively nothing to protect New Yorkers.

22 Thank you.

23 ACTING PRESIDENT BAILEY: Senator
24 Rivera.

25 SENATOR RIVERA: Through you,

1 Mr. President, would the sponsor yield for a few
2 questions.

3 ACTING PRESIDENT BAILEY: Will the
4 sponsor yield?

5 SENATOR THOMAS: Yes.

6 ACTING PRESIDENT BAILEY: The
7 Senator yields.

8 SENATOR RIVERA: Thank you,
9 Mr. President. Through you.

10 Earlier we were talking about
11 definitions in the dictionary. And I wanted to
12 ask you whether you thought that a word that was
13 utilized on this floor by one of my colleagues on
14 the other side of the aisle about a hassle --
15 would you qualify a hassle as having to stand
16 outside of a school while your child is murdered
17 inside by someone with a semiautomatic rifle?
18 Would you consider that a hassle? Through you,
19 Mr. President.

20 SENATOR THOMAS: Through you,
21 Mr. President, it's an unfortunate situation what
22 we're going through in this country. And this
23 piece of legislation is there to protect
24 New Yorkers. And it will save lives.

25 SENATOR RIVERA: Thank you,

1 Mr. President. On the bill.

2 ACTING PRESIDENT BAILEY: Senator
3 Rivera on the bill.

4 SENATOR RIVERA: There's something
5 a lot of people don't know on this floor and
6 around the state. Some of my closest friends
7 don't even know. I actually own a handgun. I
8 went through the process of actually getting a
9 license. It took me almost a year,
10 Mr. President. I had to go through various
11 interviews down at One Police Plaza, I had to
12 fill out all sorts of questionnaires, I had to
13 provide letters of reference from some of my
14 close friends who know me to be a person of good
15 character. And that was perhaps, Mr. President,
16 a hassle.

17 But you know what it was as well?
18 It reminded me -- and as I did, I talked to all
19 of the different police officers that I talked to
20 throughout the entire process about how I was
21 thankful that it was such a difficult process,
22 because that meant that I was able to take the
23 time -- and since I am, again, a person of good
24 character and a person who was seeking it for
25 potential personal protection or for shooting

1 sports, et cetera, it took me a time and I was
2 thankful that it took me that long.

3 And I was thankful that someone else
4 that might be looking for such a weapon to hurt
5 other people or to mass murder folks was not able
6 to get a handle on it so quickly.

7 And so, Mr. President, I came onto
8 this floor more than a little bit perturbed,
9 because when some of my colleagues refer to a
10 permitting process as a hassle, a hassle to
11 New Yorkers, a hassle to responsible gun
12 owners -- it is not a hassle to a responsible gun
13 owner, which I am one. And I believe that many
14 of my colleagues might be as well. It is meant
15 to be a hassle -- it is meant to be a hassle to
16 those folks who might want to quickly get their
17 hands on something with which they can mass
18 murder people.

19 And as some of my colleagues also
20 have said -- and I'm very thankful that they
21 recognize the fact that unfortunately there is
22 only so much that this state can do. Because
23 until our colleagues in Washington, D.C., get off
24 their keisters, to be PG on this floor, we will
25 still have the ability for people who are looking

1 to perform the heinous crimes that have been
2 committed in our state and all across the nation
3 on a daily friggin' basis.

4 So a hassle, yes. That is indeed
5 what we would like to do. Maybe not the sponsor,
6 I'll only speak for myself. I want it to be a
7 hassle. I want it to be a process by which you
8 go through different steps, and maybe you have to
9 file something and send it to somebody and then
10 something goes back -- that is exactly what we
11 should do. Because unfortunately, my colleagues,
12 until our friggin' colleagues in Washington do
13 what they need to do, that is all we can do.

14 But guess what? We're going to do
15 it. And we're going to do it because it's the
16 least that we can do, to create a hassle so that
17 people that are responsible can go through that
18 hassle. And people that are irresponsible and
19 are looking to potentially murder our neighbors,
20 our children, don't have the ability to do so so
21 quickly.

22 It is little stones, perhaps. Until
23 we get it done at the federal level, that's all
24 we can do in this the state. But we will do it
25 because we have a responsibility and we have an

1 obligation to do so.

2 So I'm sorry that you shall be
3 hassled for the rest of the day, still talking
4 about many other bills, but such a hassle is
5 necessary.

6 When the times comes, I'll be voting
7 in the affirmative -- and proudly so,
8 Mr. President. Thank you.

9 ACTING PRESIDENT BAILEY: Thank
10 you, Senator Rivera.

11 Senator Palumbo.

12 SENATOR PALUMBO: Thank you,
13 Mr. President. Will the sponsor yield for just
14 one or two quick questions.

15 ACTING PRESIDENT BAILEY: Will the
16 sponsor yield?

17 SENATOR THOMAS: Yes.

18 ACTING PRESIDENT BAILEY: The
19 sponsor yields.

20 SENATOR PALUMBO: Thank you,
21 Senator Thomas.

22 So I'm not going to belabor the
23 point, but just there's another point that was
24 raised listening to this questioning. I have a
25 valid permit, pistol permit. I now apply to

1 purchase a new semiautomatic and I do not get
2 authorized, I fail that investigation, or the
3 application process is denied.

4 Can you tell me, under this
5 legislation, what happens to my current permit
6 and my current guns? Are they confiscated?

7 SENATOR THOMAS: Through you,
8 Mr. President, it depends on why that permit
9 failed, why it was denied. Did your character
10 and fitness fail? Did your background check
11 fail? That's what should be looked at.

12 But I'm not here to speculate,
13 because that's not what the bill here is about.

14 SENATOR PALUMBO: Will the sponsor
15 yield for another question?

16 ACTING PRESIDENT BAILEY: Would the
17 sponsor yield?

18 SENATOR THOMAS: Yes.

19 ACTING PRESIDENT BAILEY: The
20 sponsor yields.

21 SENATOR PALUMBO: Well, Senator, I
22 guess if it's not something that would otherwise
23 disqualify you for a pistol permit, necessarily,
24 but you just failed that new application process,
25 that's a question that's left open. So actually

1 that was rhetorical. Let me ask the actual
2 question, because this is really where I'm going
3 with this.

4 Who's going to promulgate these
5 rules regarding the new application process?
6 Because all we have now, in certain
7 jurisdictions -- like you and I from Long Island,
8 in the western part of Suffolk County the
9 Suffolk County Police Department issues pistol
10 permits. Out by me, on the East End, it's the
11 Suffolk County sheriff who issues my pistol
12 permit.

13 So who is going to create these
14 rules in the event this is lobbed now into the
15 universe? Who is going to create the permitting
16 process for long guns?

17 SENATOR THOMAS: Through you,
18 Mr. President, it's just -- this bill is just
19 incorporating all the permit requirements for a
20 pistol license to a semiautomatic.

21 SENATOR PALUMBO: Will the sponsor
22 just yield for one more question, then.

23 ACTING PRESIDENT BAILEY: Will the
24 sponsor yield?

25 SENATOR THOMAS: Yes.

1 ACTING PRESIDENT BAILEY: The
2 sponsor yields.

3 SENATOR PALUMBO: Thank you,
4 Senator.

5 So just so I'm clear, so this is the
6 only process, we have one process. And just so
7 I'm clear, for the purposes of those folks
8 listening, that we have one process of obtaining
9 a license to have a firearm. That is going to be
10 the exact same process for the application to
11 purchase a semiautomatic rifle. Is that
12 accurate?

13 SENATOR THOMAS: Yes. Through you,
14 Mr. President.

15 SENATOR PALUMBO: Okay, thank you.
16 No further questions.

17 ACTING PRESIDENT BAILEY: Thank
18 you.

19 Senator Borrello, welcome back.

20 SENATOR BORRELLO: Ah, good to be
21 back. Thank you very much, Mr. President. Just
22 on the bill.

23 ACTING PRESIDENT BAILEY: Senator
24 Borrello on the bill.

25 SENATOR BORRELLO: I wanted to

1 address the idea of this being a hassle for
2 people to have to reapply for a permit. I agree,
3 it should be a process, it should be a hassle.

4 It's ironic, though, coming from my
5 colleague, who supports bail reform, which is all
6 about making sure we're not hassling criminals to
7 actually show up for court.

8 In the Town of Persia,
9 population 700, in the month of February, 46 of
10 the people facing criminal charges, 46 of 50 did
11 not show up. Because it was a hassle. And it
12 was a hassle because, well, you know, they don't
13 have to show up because we don't need them to.

14 Can the judge issue a bench warrant?
15 No. We've got to let him do it two more times.
16 We don't want to hassle them to show up to face
17 their criminal charges.

18 It's a hassle for people to actually
19 have to follow their parole orders. Don't get
20 stoned, go to your job on time. That's a hassle.
21 We don't want criminals to be hassled with
22 actually having to follow the conditions of their
23 parole order. We're going to let them just, you
24 know, get a pass for that.

25 Why don't we repeal bail reform? If

1 we want to save lives, let's repeal bail reform.
2 If you want to save, protect our children, how
3 about we put an SRO in every school building in
4 New York State? And if you want to solve crimes,
5 how about we refund instead of defund our police
6 so they actually do the job they're supposed to
7 do, protect the citizens.

8 I am sick and tired of listening to
9 this hypocrisy. That's what this is today, total
10 hypocrisy. Do those three things, and New York
11 will be a much safer place.

12 Thank you, Mr. President.

13 ACTING PRESIDENT BAILEY: Are there
14 any other Senators wishing to be heard?

15 Senator Brooks on the bill. Excuse
16 me, Senator Helming.

17 SENATOR BROOKS: Thank you,
18 Mr. President.

19 It's sad what's going on here
20 tonight, it really is. When I was a kid, my
21 grandfather was a gunsmith. There were guns in
22 the house all the time, but they were locked up.
23 You didn't touch them. They were separated.
24 There were different guns that had different
25 purposes. You knew what safety meant. You knew

1 your responsibilities as a gun owner. I wouldn't
2 call myself a gun owner.

3 Fifty-one years ago, down in Fort
4 Polk, Louisiana, I had my first exposure to a
5 military weapon. Dramatically different than the
6 guns grandpa had. We had M16s. It was
7 incredible. You could aim at a target 300 yards
8 away and hit it. The gun was designed to use
9 single shot. Semiautomatic automatic. What was
10 it? It was a gun that was developed to kill
11 people, to use in combat. There was a difference
12 between the guns we had at home and the guns that
13 we used in the military.

14 This last couple of weeks it's been
15 awful what's going on here. To see those kids
16 killed, to see those kids in the building for
17 over an hour, to see those kids make phone calls
18 to send help, to realize in the 50 years from
19 when I first saw a military weapon, to what's
20 produced now -- they're designed to kill someone,
21 a long distance. The ammunition we use is meant
22 to mutilate people. Those kids were shot with
23 that kind of weapon. Close proximity to the
24 firer of the gun. The injuries they received
25 were devastating. They were identified by DNA

1 samples.

2 We have a crisis in this country, in
3 this state and in this country. We're here
4 tonight fighting back and forth on what we should
5 do. It's time, back and forth, collectively, we
6 figured out what we have to do. Take the
7 politics out of this, because it's killing the
8 kids. We all have the same responsibility, to
9 protect the people of this state. You look at
10 those pictures. They were kids, right? They had
11 the pictures. They made the honor roll. Ten
12 years old. Mom and dad never got to congratulate
13 them. They had a girl apparently there that
14 covered herself in blood so not to be shot.

15 We've got a weapon that's so
16 powerful that it appears the officers that
17 respond didn't want to try to make entry. Stop
18 fighting. It's time to solve the problem. We've
19 got to recognize there should be a separation in
20 the kind of weapons that are going to be used in
21 the military and what we can buy. We've got to
22 recognize that people that have guns are
23 responsible, and we should identify those that
24 aren't responsible and make sure they don't have
25 them.

1 Too many kids have died in this
2 country and in this state. We don't have the
3 right answers here tonight. And we're having a
4 challenge, a Ping-Pong match, back and forth
5 asking questions. But every one of us should ask
6 the question, How is it that the last two
7 incidents those individuals got hands on the
8 weapons that they had? Neither one should have
9 had those kind of weapons.

10 We've got to figure out how to stop
11 this. We've got to work collectively. Many on
12 the other side of the aisle have a lot of
13 experience in weapons, and others don't. We have
14 to bring all of our resources together. We've
15 got to stop this. We've got to stop this for the
16 kids, for the seniors that we've lost, the events
17 we had in Buffalo, the events we had in Texas.
18 We've got to stop this.

19 What we're doing here tonight is not
20 right. What we need to be doing is working
21 together. What we need to be doing is protecting
22 the innocent kids in this state and the rest of
23 this country. It's the last day of session.
24 We've got a lot of time to think about what's
25 happened in this state and what's going on, a lot

1 of ideas to kick ideas together as to what we can
2 do.

3 But we've got to recognize that we
4 have an obligation to the people of this state to
5 solve the problem. It's not going to be easy,
6 and it really has to be done at the national
7 level. But this exercise proved nothing. We're
8 a hell of a lot smarter than we think we are if
9 we work together. And we can solve this problem,
10 and we can save those kids and we can make sure
11 that a kind of weapon that should be for combat
12 is only used in combat. And we should make sure
13 that we have safety controls on guns in case
14 somebody gets hold of a gun they shouldn't.

15 I don't know the answer. But I know
16 what's happening tonight is not the answer.
17 We've got to work together and save the kids.

18 Thank you, Mr. President.

19 ACTING PRESIDENT BAILEY: Senator
20 Helming on the bill.

21 SENATOR HELMING: Thank you,
22 Mr. President.

23 On the issue of protecting the
24 people, saving lives -- which should be the top
25 priority for all of us, and I do believe that it

1 really is -- I heard the sponsor of this piece of
2 legislation say something to the effect that if
3 you have something to discuss, bring it forward.
4 I heard that said yesterday during the
5 Clean Slate discussion. I heard that today
6 during several of the firearm pieces of
7 legislation: If you have any suggestions,
8 solutions, answers, bring it forward.

9 You know what? The first few times
10 I heard it, I kept my mouth shut, but I'm not
11 anymore. I'd like to remind people that just
12 today, a few hours ago, we brought forward two
13 amendments, one to help keep our schoolkids safer
14 by hardening our schools, by providing school
15 resource officers in every single building.
16 Every Republican here voted for that, but we
17 couldn't even get a discussion going with our
18 colleagues across the aisle.

19 We also brought forward an amendment
20 to increase mental health resources and to
21 increase the access that's needed by our children
22 and by adults. It's ridiculous that people have
23 to wait months and months.

24 When Senator Boyle spoke during the
25 microstamping discussion, on the issue of

1 tracking down killers, solving murders --
2 microstamping, a technology that hasn't been
3 proven, that hasn't even been fully developed.
4 But this body, Senator Boyle brought it up,
5 brought forward two pieces of legislation that
6 the Democrats ignored, did not even bring to this
7 floor. Proven technologies -- the familial DNA,
8 the genetic genealogy -- disregarded.

9 We've submitted so many bills, and
10 we support so many of our Democratic colleague
11 bills that do more to reinvest in our mental
12 health system, that do more to deter and to fight
13 crime, and that do more to hold criminals
14 accountable.

15 Listen, I want to work with everyone
16 in here to reduce what's happening. We've got to
17 stop it. But don't tell me we haven't brought
18 anything to the table. We have. It's been
19 ignored. It's not been brought to the floor.

20 ACTING PRESIDENT BAILEY: Senator
21 Kennedy on the bill.

22 SENATOR KENNEDY: Thank you,
23 Mr. President.

24 First let me start by thanking again
25 our great Majority Leader, Andrea

1 Stewart-Cousins, for bringing the comprehensive
2 package of laws that we're voting on today to the
3 floor to protect the public, to strengthen the
4 laws against criminals in New York State, and to
5 make sure that we are protecting those
6 individuals throughout our state that can't
7 protect themselves.

8 They can't protect themselves
9 because of the fact that we have a government at
10 the federal level that has failed us when it
11 comes to gun laws. We have a government at the
12 federal level that has failed to act time after
13 time. We have a government that is as divided
14 today as it's ever been.

15 And I've got to tell you, I'm
16 heartbroken at the fact that we are bringing this
17 comprehensive package to the floor and bill after
18 bill we're getting no votes after no votes, when
19 we are trying to put things forward like
20 strengthening the red flag laws that will allow
21 potential criminals from possessing firearms in
22 the first place, making it more difficult to get
23 body armor like the invader in our community
24 wore, the white supremacist, when he murdered
25 10 of my constituents, 10 of my neighbors, 10 of

1 our friends and family members and community
2 members and leaders.

3 When we bring bills forward like
4 high-capacity magazine bans in the state, or
5 increasing the purchases -- I want thank my
6 colleague Senator Thomas for bringing this bill
7 to the floor increasing the age, making it more
8 difficult to get somebody's hand on a
9 semiautomatic weapon.

10 Holding each other accountable
11 through social media platforms? Helping law
12 enforcement by giving them tools to identify
13 firearms that have been used in crimes by
14 improving ballistics? There's nothing
15 sensational about these bills. These bills are
16 simply common sense. And we have to do them here
17 in New York State because our federal government
18 is failing us and our streets and communities
19 across this state are being saturated with
20 firearms that are being brought into our state
21 illegally, the Iron Pipeline.

22 I want to recognize my colleague
23 Senator Myrie for his work in helping to hold gun
24 manufacturers accountable, a bill we passed
25 earlier this year, that grieving families in

1 New York can now use to make sure that their
2 families get justice.

3 We have a uniquely American problem.
4 America has a gun problem. Yes, we have to deal
5 with mental health. We deal with that in this
6 package of legislation. Yes, we have to deal
7 with the unaccountable social media platforms and
8 the hate and the white supremacy and the evil
9 that goes unchecked on those social media
10 platforms. We deal with that in this
11 legislation.

12 Yes, we have to deal with the gun
13 problem here in our state and in our country. We
14 deal with it in this comprehensive package of
15 legislation. Now is the time we need to act.
16 New York State has to act because the federal
17 government failed us.

18 And we should come together. This
19 should not be a partisan issue. This isn't a
20 Democrat or Republican issue. This isn't an
21 upstate or downstate issue. This is an American
22 issue. And we're all Americans in this room, and
23 we've got to act like it. And we've got to vote
24 like it.

25 After the massacre in Buffalo, I

1 attended eight funerals. I was here in the
2 Capitol voting on the Tuesday where one was held
3 and wasn't able to join the family for that
4 funeral. I sent my regards, my condolences and
5 my sympathies. There was another funeral in
6 Auburn I was not able to attend. I sent my
7 sympathies and condolences to the families.

8 What I did at those funerals was I
9 promised the families -- to their faces, looking
10 them in the eyes -- that every single day and
11 every single moment that I have breath in these
12 lungs, I'm going to fight for justice for their
13 families. And I'm going to stand with my
14 colleagues to do the same thing, to make sure
15 that those 10 individuals in Buffalo that were
16 massacred didn't die in vain. That maybe
17 something positive can come from them being slain
18 in broad daylight on a Saturday afternoon on
19 Jefferson Avenue going shopping for groceries at
20 Tops Friendly Markets in the heart of the
21 community.

22 What we're doing here right now is
23 making good on that promise. I think everyone
24 here in this chamber today owes it to those
25 10 families in Buffalo, our fellow New York State

1 family members, our fellow residents, I think we
2 owe it to those that were massacred everywhere
3 else across this country, time after time after
4 time. I could start rattling off the list, but
5 you know what, the list is far too long. And we
6 all know it.

7 It's time we do something about the
8 gun problem in America. It's time we do
9 something about the gun problem in New York. And
10 this is it. This is our time, this is our
11 moment. This is why the people of New York State
12 sent us here. This is what we have to do. I
13 would suggest to my colleagues on both sides of
14 the aisle that we have the political courage, the
15 thoughtfulness to do the right thing and to pass
16 this comprehensive package of bills in a
17 bipartisan fashion.

18 With that, Mr. President, on this
19 bill I vote aye.

20 ACTING PRESIDENT BAILEY: Are there
21 any other Senators wishing to be heard?

22 Senator Lanza.

23 SENATOR LANZA: Yes, Mr. President.
24 On the bill.

25 ACTING PRESIDENT BAILEY: Senator

1 Lanza on the bill.

2 SENATOR LANZA: So I've got some
3 bad news for the people of New York. This
4 legislation that is immediately before the house
5 would not have prevented what happened in
6 Buffalo, plain and simple.

7 People are shaking their heads. A
8 question was asked on this floor, the question
9 went something like this: Could that deranged,
10 satanic individual have done what he did if this
11 was the law? The answer was no. That is not
12 true, because that individual went to
13 Pennsylvania and purchased the rifle and came
14 here and did what he did.

15 This legislation will do nothing to
16 stop what happened there. No -- there were no
17 yes votes on this side? That's a lie too. There
18 were plenty of yes votes on this package, plenty.
19 Hate speech on the internet, almost unanimous
20 here. Red flag, there were votes here. Body
21 armor, almost unanimous.

22 You know, I can yell and scream and
23 raise my voice and ask why that side of the aisle
24 refuses to put an armed police officer in every
25 school. I can yell and I can scream, and I've

1 carried the legislation for 10 years. Hasn't
2 worked. I can yell and scream and raise my voice
3 and ask why that side of the aisle today, just
4 today, said no to a provision that would say if
5 you are arrested under this new law that's --
6 because you said you are going to shoot up a
7 school, that you should be held on bail and sent
8 for immediate mandatory psychiatric evaluation.
9 I can yell and scream and ask why, why not? Why
10 did you vote no?

11 Yelling doesn't work. I get it. We
12 shouldn't yell at each other. And we should talk
13 to each other. And you say it's not about
14 politics? It is about politics. It is. It is.

15 Does anyone think, does anyone think
16 that requiring someone to have a permit for one
17 of these rifles is going to stop someone who is
18 so deranged, so satanic, so evil that they will
19 walk into a school and kill innocent children?
20 Does anyone actually believe that?

21 You know, some people point to what
22 happened in Texas, another evil, satanic
23 individual, and say, Hey, that's why you don't
24 need the Second Amendment. I have another
25 theory. I say that's why you need the

1 Second Amendment, because government is not going
2 to save you. Government failed at every single
3 level. Government sat outside that school for an
4 hour. Government did nothing. A mother stormed
5 through government barricades to save her child.

6 Buffalo. Everything was there
7 before us to know that that was imminent.
8 Government had everything it needed, and
9 government failed.

10 And I don't want to blame only
11 government, because I don't want to walk away
12 from what is really true and what we all know in
13 our hearts, that the fault always lies -- sits
14 with that deranged individual. And that's why,
15 yes, we have philosophical differences on the
16 approach.

17 But I'm not going to sit here and
18 have to listen to the B.S. that we don't care.
19 I'm not going to say that you don't care. I know
20 you care. As Senator Brooks said, we've got to
21 stop using the differences to accuse each other
22 of not caring. We have different ways of going
23 about doing it. And I could tell you that I
24 believe that requiring someone to get a permit to
25 get a semiautomatic weapon is not going to solve

1 the problem. And the people of the State of
2 New York should know -- because I know people run
3 home, we both do it: Hey, I passed a bill, I've
4 solved the problem, nothing to worry about.
5 That's not true. And the people should know it.
6 There's still a lot to worry about.

7 This bill before the house is not
8 going to do anything to address all the horror
9 that we've been talking about and witnessing.
10 Not a single thing. Our approach focuses, yes,
11 more on defending society against the type of
12 people, the evil that over and over again commits
13 these crimes.

14 And again, I'll say it. If you are
15 that deranged, that evil, that sick, that
16 hellbent on doing harm, you're going to do it.
17 Oklahoma City, there were no guns involved. I
18 don't want to give sickos ideas, so I won't list
19 all the other ways that people could do
20 disgusting, hateful, evil things.

21 But I know this. If you think this
22 is going to help, I hope you're right. I'm not
23 going to call you a bad person. I'm not going to
24 sit here and hear that no one on this side of the
25 aisle cares about it or is trying to seriously

1 address it. And if you want to talk, you've got
2 my number.

3 Mr. President, I'm going to vote no.

4 ACTING PRESIDENT BAILEY: Are there
5 any other Senators wishing to be heard?

6 Seeing and hearing none, debate is
7 closed. The Secretary will ring the bell.

8 Read the last section.

9 THE SECRETARY: Section 8. This
10 act shall take effect on the 90th day after it
11 shall have become a law.

12 ACTING PRESIDENT BAILEY: Call the
13 roll.

14 (The Secretary called the roll.)

15 ACTING PRESIDENT BAILEY: Senator
16 Ryan to explain his vote.

17 SENATOR RYAN: Thank you,
18 Mr. President.

19 It's hard to believe that 19 days
20 ago a massacre occurred in Buffalo, New York.
21 But hot on the heels of that was a massacre of
22 schoolkids in Texas. And hot on the heels of
23 that was a massacre in Tulsa, Oklahoma. So they
24 keep rolling -- we seem to have a recipe for it.

25 We could do two things. We could do

1 nothing, or we can attempt to fix problems. The
2 bills that we are passing today are attempting to
3 fix the problem. You cannot say that if we do
4 something, something else won't happen. But I
5 can tell you, you can put hurdles up, you could
6 put impediments in the way.

7 And, you know, just to be clear,
8 according to the district attorney of Erie
9 County, the gun that was purchased to murder the
10 people in Buffalo was purchased at a gun shop in
11 Endicott, New York, legally, following all the
12 rules of New York State. No one had to leave
13 New York State, because our laws as they
14 currently stand are so permissive that an
15 18-year-old can buy a weapon of war, then drive
16 to Buffalo. No need to go to Pennsylvania,
17 because our laws were so lax that you could come
18 right here and buy them. No need to go out of
19 state. Right near here in New York State, legal
20 weapon.

21 So we're going to make it a little
22 harder. We're going to make it so you have to be
23 21. You have to take a safety course. Here's
24 one of the ultimate ironies of New York State and
25 our tough gun laws. Before today, anyone could

1 go to any store and buy any long gun they wanted.
2 But if you want to take that long gun and go hunt
3 a squirrel, you need to sit for an eight-hour
4 safety course. But if you want to go to
5 Endicott, New York, and buy an AR-15 to go hunt
6 people, no requirements on that.

7 We're going to change that today.
8 We can't say that our actions are going to
9 prevent something, but boy are we going to try.
10 We are going to try. I don't have to tell you
11 this, Mr. President. I've watched the scenes of
12 shootings from around America, and you get
13 hardened to it. It touches your heart, but you
14 get hardened. But when it happens 1.9 miles from
15 your house, it flips you out when you realize the
16 tremendous loss of life that could happen with
17 these weapons.

18 Senator Brooks has it right. These
19 are not the same kind of weapons that if you grew
20 up handling a gun 30 years ago you'd even be
21 familiar with. There's a tremendous loss of life
22 that occurred in 120 seconds.

23 So while it may not be perfect, we
24 are going to try. And we are trying today, and
25 we are going to raise the age to 21. We are

1 going to make it so body armor cannot be just
2 purchased willy-nilly by civilians. And we are
3 going to make our ERPO laws stronger.

4 I proudly vote in favor of this
5 legislation, Mr. President.

6 ACTING PRESIDENT BAILEY: Senator
7 Ryan to be recorded in the affirmative.

8 Senator Mayer to explain her vote.

9 SENATOR MAYER: Thank you,
10 Mr. President.

11 You know, I rise with a sense both
12 of sadness at this debate that I've heard today
13 and, frankly, a sense of disbelief. Because I
14 think we are not talking to the same people in
15 our districts. I know, after Buffalo and Texas,
16 the mothers and fathers that called my office,
17 and they weren't talking about anything but guns.
18 They are afraid of guns.

19 Here's one that wrote me: "I've
20 never messaged a Senator before, but I am afraid
21 and really don't know what to do. I am a nurse
22 and a mom of four children. Two of my children
23 are in elementary school. It terrifies me that
24 this could happen anywhere. What can I do? What
25 can the moms in my area do? I'm not sure where

1 to start. Please let me know how to help make
2 change."

3 I called this mother. And you know
4 what she said? "Don't let people under 21 buy
5 these deadly weapons." And today, we made a
6 promise to these people.

7 And I would say to my colleagues on
8 the other side of the aisle who I think, frankly,
9 have quibbled and made small arguments over an
10 effort to solve a problem: This package may not
11 be a perfect, as Senator Ryan said, but we are
12 putting something on the board here to address a
13 critical problem -- not a small problem, a
14 problem that is of such incredible proportion.

15 We are doing it, and we are pledged
16 to do it. But you know what we could do
17 together? Call on your partners in the Senate
18 that represent your side of the aisle to join our
19 side and call for a ban on assault weapons.
20 That's something we could do on a bipartisan
21 basis that would make a real difference for our
22 nation and for our state.

23 But until we get to that point of
24 bipartisanship, we on our side of the aisle are
25 going to put everything on the table that we

1 promised, everything that's sensible and
2 thoughtful and reasonable, but that speaks to the
3 mothers and fathers in my district and the
4 children in my district and the people who want
5 to go to a supermarket at 3 o'clock in the
6 afternoon in my district, and their families.

7 We're going to do everything that we
8 have to do. It's too bad we can't do it all
9 jointly. But I know what we can do jointly: Get
10 your colleagues to join us in Washington.

11 Until that day, I proudly vote yes.

12 ACTING PRESIDENT BAILEY: Senator
13 Mayer to be recorded in the affirmative.

14 Senator Jackson to explain his vote.

15 SENATOR JACKSON: Thank you,
16 Mr. President.

17 So I've been here all day long
18 listening to all of us discuss support and
19 against legislation that we're discussing. And I
20 say to you that -- Kevin, let me thank you for
21 carrying the piece of legislation that's part of
22 our package. As you said, this legislation and
23 what you're doing is to save lives. And I
24 appreciate that. Because too many lives are
25 being wasted, killed. Every day we pick up the

1 newspaper or listen to the radio or TV, people
2 are killing each other.

3 And it's devastating all of these
4 little kids and people being killed with deranged
5 individuals, people with psychological issues,
6 with assault weapons that can fire 150 or a
7 couple of hundred bullets within a matter of a
8 minute or so.

9 And I just say that I think that we
10 need to not scream at each other. But when I
11 hear that if a person goes to Pennsylvania or out
12 of our state to purchase, that is not going to do
13 any help -- I know that if I'm walking a half a
14 mile to go get something and I have to walk
15 another half a mile, I'm going to think about
16 whether or not I'm going to walk that other half
17 a mile in order to get it.

18 Or to walk upstairs after I park my
19 car in my parking space and I start walking up
20 the stairs and I'm walking to the third floor --
21 but if I have to walk to the sixth or seventh
22 floor, I may take the elevator. So sometimes it
23 delays action that you are expecting to take.

24 But this is about saving lives. And
25 I'd say to you that I think about the lives of

1 these children and I think about my grandchildren
2 that are 9 and 12. And God knows, Allah knows
3 that I want nothing to happen to them, just like
4 I don't want anything to happen to anyone.

5 So let's refocus and let's not try
6 to tear each other apart in here. Let's come
7 together in unity, understanding what we're
8 trying to do. And is it perfect? It's not
9 perfect. But we're going to try our best to make
10 a big difference in order to save lives.

11 And with that, Mr. President, I vote
12 aye.

13 ACTING PRESIDENT BAILEY: Senator
14 Jackson to be recorded in the affirmative.

15 Senator Reichlin-Melnick to explain
16 his vote.

17 SENATOR REICHLIN-MELNICK: Thank
18 you, Mr. President.

19 We've been listening to a lot of
20 debate about this issue. And we're talking about
21 gun safety and how we keep our communities and
22 our state safe from guns. And yet it seems like
23 my colleagues on the other side of the aisle want
24 to talk about everything but guns. They want to
25 talk about mental health, about social media,

1 about violent video games. They want to talk
2 about everything but the problem.

3 Because in any country in the world,
4 there are mentally unstable people, there are
5 violent people, there are social media platforms,
6 there are video games. All of these things exist
7 not just in the United States. And yet only in
8 the United States do we routinely have these
9 deadly mass shootings in schools, in
10 supermarkets, in shopping malls, in public
11 places, in houses of worship. That's a United
12 States problem.

13 And what's the difference? It's
14 that here, unlike all these other countries, an
15 18-year-old can walk into a store and walk out
16 with a weapon that can kill dozens of people in
17 the space of a few minutes.

18 We should not continue down this
19 path. There are more guns than people in the
20 United States. That is not what the founders
21 envisioned. That is not what New Yorkers want to
22 see.

23 This is simply saying -- and I think
24 it's long overdue -- that you can't go as a
25 teenager and purchase these deadly weapons, very

1 similar to the weapons that we send our soldiers
2 into battle with, weapons that outgun and
3 out-firepower our law enforcement officers.

4 We hear sometimes that a good guy
5 with a gun is going to stop these shootings.
6 There was a good guy with a gun in Buffalo, an
7 armed security guard who engaged the shooter and
8 paid for it with his life because he could not
9 match the firepower that this 18-year-old was
10 able to obtain.

11 There were police officers that went
12 into the school in Texas. They did not stop the
13 shooter. Good guys with guns are not enough.

14 We need to reduce the amount of
15 firepower that is out there in our communities,
16 and this is an important first step.

17 I'm grateful to the leadership for
18 bringing this to a vote. I support this bill.

19 ACTING PRESIDENT BAILEY: Senator
20 Reichlin-Melnick to be recorded in the
21 affirmative.

22 Senator Hinchey to explain her are
23 vote.

24 SENATOR HINCHEY: Thank you,
25 Mr. President.

1 I am a proud upstate Democrat. I
2 support our hunting culture, and I grew up with
3 guns in our house. And as was brought up earlier
4 today, when I decided to run for office, I went
5 out to get a gun permit because I wanted to
6 understand what we would be talking about in this
7 chamber.

8 And to show you how much I knew at
9 that time, even being an upstate Democrat who
10 grew up around guns, I thought I was going to
11 shoot a handgun. Before I got my permit, I
12 thought that would be the process. And what I
13 learned was through the state laws, I was not
14 able to shoot a handgun until I had a permit, but
15 for the first gun I was able to shoot was an
16 AR-15. That was the first gun I ever shot -- at
17 a gun range, safely -- having no experience,
18 because that was what our laws allowed.

19 All this bill does is raise the age
20 of when you can purchase a semiautomatic rifle.
21 We are just increasing the age so that people
22 don't get used to the ease of some of these guns.
23 It doesn't change semiautomatic shotguns that are
24 used for hunting. It doesn't touch that. We
25 advocated. We said that the hunting culture is

1 incredibly important.

2 But what it does do is not start off
3 people with guns that they shouldn't be using in
4 our normal community.

5 This is something that is pretty
6 simple. We have to make some changes. I should
7 not be able to go to a gun range and have the
8 first gun I ever shoot be an AR-15.

9 For that reason, Mr. President, I
10 vote aye.

11 ACTING PRESIDENT BAILEY: Senator
12 Hinchey to be recorded in the affirmative.

13 Senator Skoufis to explain his vote.

14 SENATOR SKOUFIS: Thank you very
15 much, Mr. President.

16 I wasn't planning to speak on this
17 bill, but I heard something from my good
18 colleague from Staten Island a short while ago,
19 who I genuinely, sincerely respect, that I did
20 want to respond to.

21 And he acknowledged that the
22 shooters in Buffalo and Texas were evil, satanic,
23 deranged individuals. And surely they were. He
24 went on to say, however, that there's no
25 legislating a solution to what happened there and

1 what's happening elsewhere on a near daily basis
2 in this country, and that no laws can stop those
3 kinds of evil people. If they're evil enough,
4 they will find a way to do what they did.

5 The suggestion there, in my mind, is
6 that I guess there are no evil people in Europe.
7 There are no deranged people in Australia. There
8 are no satanic people anywhere else in the
9 industrialized world. Because surely if there
10 were, they'd find a way to do what's happening
11 here on a near daily basis.

12 But the matter of fact is that's not
13 happening anywhere else in the world, because
14 everywhere else in the sane world has systems in
15 place that keeps guns out of the hands of
16 dangerous individuals. And that's what we're
17 trying to do here.

18 I vote yes.

19 ACTING PRESIDENT BAILEY: Senator
20 Skoufis to be recorded in the affirmative.

21 Senator Harckham to explain his
22 vote.

23 SENATOR HARCKHAM: Thank you,
24 Mr. President.

25 I've been listening to the debate,

1 and I've been taken by so many of the things our
2 colleagues have said, from Senator Brooks and
3 Senator Ryan and Senator Hinchey and Senator
4 Reichlin-Melnick, all about firepower and types
5 of weapons.

6 I grew up shooting. My father was
7 in the military. Actually, he taught
8 marksmanship in the military. And I own two
9 shotguns myself. And there is such a difference
10 in the purpose and the firepower in the 12-gauge
11 shotguns that I own for trap shooting and for
12 bird hunting than for hunting people, as our
13 colleagues have described. These weapons are so
14 powerful that the police are outgunned. And they
15 are derived from the M16, as Senator Brooks said,
16 which is the primary combat weapon for so many
17 decades.

18 And so what I circle back to is what
19 Senator Thomas is accomplishing in this are two
20 things. One is we need to think about who has
21 that kind of firepower. And so that's why I
22 think the permit is so necessary, and to Senator
23 Hinchey's point about why we left shotguns and
24 automatic shotguns out of this process.

25 But I also think -- and many of us

1 here perhaps can relate to this. We're parents
2 of adults that we saw grow up, and the difference
3 between our children when they were 18 and when
4 they are 21, the big, big gap of judgment there.
5 And a big change in judgment.

6 And so we have seen nationally that
7 the impulses of 18-year-olds who are able to
8 legally buy these weapons of war -- in two
9 instances, 30 dead. In Tulsa, five dead because
10 someone on an impulse was able to purchase a
11 weapon of war.

12 And so to me this is not infringing
13 on our constitutional rights, it's not even
14 infringing on people's rights to get one of these
15 weapons. But we need to regulate the firepower,
16 and we need to regulate the age of folks so they
17 have time to think about their decisions, so that
18 we don't end up with 30 folks dead in two
19 incidents.

20 So for all of those reasons, I vote
21 aye. Thank you, Mr. President.

22 ACTING PRESIDENT BAILEY: Senator
23 Harckham to be recorded in the affirmative.

24 Senator Tedisco to explain his vote.

25 SENATOR TEDISCO: You know, we're

1 all, up here on the floor, representatives on
2 behalf of our constituents. But we're not
3 hearing here in these chambers from the most
4 important people we represent. They're not
5 governors, they're not senators, they're not
6 Assembly people. They're not people who advise
7 us. They're the people out there, the
8 20½ million people.

9 I just heard from one. It's an
10 obligation on my behalf as a representative to
11 read what this one said. The subject: Bills
12 10497, S9407B. "Hello. I would like to point
13 out many parents" -- and this is what is so sad
14 about what's being sent to me -- "have purchased
15 body armor for their children."

16 Purchased body armor for their
17 children. I believe there is some media that
18 would love the story about felon parents, because
19 they're going to be felons with the bill you
20 passed today.

21 -- "trying to protect their
22 children when they cannot, especially when
23 politicians who are armed guard at work" -- she
24 paraphrased wrong -- "the Capitol building."
25 She's talking about you, which we get pooh-poohed

1 to when we talk about your security issues
2 here -- the guards and the metal detectors and
3 the cameras all about.

4 And the last time we talked about
5 that, years ago when we passed it in the
6 majority, we were told we were militarizing
7 schools. Well, are we militarizing government
8 here? Because you sure as hell aren't asking
9 them to leave.

10 "Especially when politicians who
11 have armed guards at work" -- the Capitol
12 building -- "will not put security measures in
13 all schools equal to what they have." This is a
14 parent who puts body armor on her children,
15 because you didn't give them what you have here
16 at their school and she wants to make sure they
17 have them.

18 So it goes from both sides. We've
19 got to protect them where they are. And we've
20 got to do the things that protect them when
21 they're out in the playgrounds and when they're
22 just around the house.

23 But we can't be one-dimensional.
24 And it can't be all about saying, We figured out
25 you're mentally ill or you've got psychological

1 problems, take your gun, walk out the door.
2 That's irresponsible for them and for us. We're
3 doing nothing to help them if we don't require,
4 as has been said, treatment.

5 And when we talk about mental
6 health, we're not saying mental health's the
7 answer. But it seems you are saying guns are the
8 answer. Well, guns are not the answer. Because
9 they will learn how to make bombs and bombs are
10 much more bigger and dangerouser than guns. They
11 can hide them easier, they can do a lot more
12 damage.

13 So as has been said, we don't have
14 all the answers. You don't have all the answers.
15 But if we're one-dimensional and we want to
16 really say we're not playing politics, then we do
17 have to work together. And it has to be good
18 laws for using weapons that are serious, but
19 protecting our Second Amendment rights, but also
20 protecting our children just like we protect
21 ourselves.

22 I mean, if you can't say you want
23 them to have resource officers with weapons, then
24 why do we have resource officers with weapons?
25 If they don't work for us, then why do we have

1 them? If they do work for us, they're smaller;
2 they need bigger resource guards with guns. They
3 need bigger metal detectors. They need better
4 security than we have here.

5 And the parents who are watching,
6 some of them probably agree with you. But this
7 one to a great extent --

8 ACTING PRESIDENT BAILEY: Senator
9 Tedisco, you just hit the four-minute mark.

10 SENATOR TEDISCO: -- feels as
11 though they've got to protect themselves.

12 ACTING PRESIDENT BAILEY: If you
13 can conclude, please.

14 SENATOR TEDISCO: Thank you,
15 Mr. President.

16 ACTING PRESIDENT BAILEY: Senator
17 Tedisco to be recorded in the negative.

18 Senator Thomas to explain his vote.

19 SENATOR THOMAS: Thank you,
20 Mr. President.

21 Thoughts and prayers don't work
22 anymore, and concrete action must be taken to
23 protect lives. As a functioning legislative body
24 whose job is to work on behalf of all our
25 residents, how can we not be reactive and change

1 the laws when their flaws are revealed to us and
2 it becomes necessary to protect our residents,
3 our children?

4 The Legislature has made sure, year
5 after year, that there are budget allocations for
6 the State Office of Mental Health. We ensure our
7 police departments have essential funding and
8 equipment. And we work closely to ensure gun
9 violence prevention advocacy groups and
10 organizations have funding to carry about
11 lifesaving work, like family and children's
12 associations STRONG Youth and Life After Loss
13 A.N.D.R.E. And we even passed gun safety
14 legislation when I took office in 2019.

15 Yet gun violence continues to be a
16 topic of debate here in Albany because it has not
17 ended. The tragedies in Buffalo and Texas have
18 shown us yet again that there is more that needs
19 to be done by states. We know that when
20 semiautomatic weapons are used, more people are
21 killed. We know that young adults ages 18 to 20
22 account for a disproportionate share of gun
23 homicides and related gun crimes.

24 We will not stand by and wait for
25 more New Yorkers to die before we take action.

1 Our efforts bring us one step closer to ending
2 senseless gun violence, not only in mass-casualty
3 shootings but also when happening, quite
4 literally every day, in communities throughout my
5 district and I'm sure throughout communities
6 around yours as well.

7 This legislation today saves lives.
8 We will prevent more people, more children, more
9 grocery store employees, and more New Yorkers
10 from being killed by senseless gun violence. It
11 will promote public safety. It will reduce the
12 psychological harm that gun violence victims,
13 survivors and their families suffer as a result
14 of gun violence. This bill ensures that future
15 generations of New Yorkers live long enough to
16 enjoy the full range of constitutional freedoms
17 this country offers.

18 Opponents of gun safety legislation
19 will always find something to say and someone
20 else to blame but the guns themselves. Yet I'm
21 proud to say to my district and to all
22 New Yorkers that this legislative body has your
23 back. We see what's happening, we see the
24 devastation, the loss of life, and we are going
25 to work to fix it.

1 That is why I support this
2 legislation and support the other bills on the
3 floor today to ensure our communities are kept
4 safe and prosperous without having to live in
5 fear.

6 And I want to thank leadership,
7 thank the leader, the deputy leader, and my
8 entire conference for pushing forward with this
9 piece of legislation.

10 And to the families that lost their
11 loved ones, this is for them.

12 Thank you.

13 ACTING PRESIDENT BAILEY: Senator
14 Thomas to be recorded in the affirmative.

15 Senator Ortt to explain his vote.

16 SENATOR ORTT: Thank you,
17 Mr. President.

18 A lot of passion in this debate --
19 and rightfully so, when you consider what has
20 happened in our state, in my -- what I consider
21 my hometown, Buffalo, New York, Western New York.
22 I don't represent the grocery store where the
23 shooting of those folks took place, but I live
24 25 minutes from there.

25 There's not an American that watched

1 the news about the school massacre whose gut
2 wasn't wrenched, who wasn't angry. And I'll
3 promise you this: There wasn't one lawful gun
4 owner who wasn't as upset or more when they saw
5 that report. There wasn't one parent who saw the
6 pictures of those kids that didn't feel sick to
7 their stomach.

8 Everyone here is frustrated, angry,
9 sad and knows that this is not acceptable. We
10 can't be okay with it. I think -- I really
11 believe there's bipartisan agreement on that.
12 And many of my colleagues have voted for various
13 pieces of this package today.

14 But there are some bills in this
15 package that either don't do what they are
16 purported to do, that won't stop bad people from
17 committing bad things, but what they will do --
18 and I want to break ranks from my own colleagues,
19 who kept saying "This bill will do nothing."
20 They're wrong. It will do something. It will do
21 something for the millions of law-abiding gun
22 owners here in New York State. I've heard it
23 will deprive people from exercising their
24 constitutionally protected right. And it will
25 deprive them in the following way.

1 If I have an immediate threat to my
2 safety, to my property, to my person, I have the
3 constitutionally protected right to defend that
4 property. I'm not going to get a pistol, because
5 that takes months. It takes months in a
6 gun-protecting county like Niagara. Some of you
7 live in counties where it will take over a year,
8 your permit agency will take over a year.

9 But I could go and get a sport
10 rifle, I could go and get a rifle -- not a weapon
11 of war. Every rifle was designed and every rifle
12 can kill. My Glock 43 can kill. It can also
13 protect my own life. That's why a lot of people
14 actually purchase firearms. But now you will
15 have to wait months because most rifles, many
16 guns that are manufactured today are, quote,
17 unquote, semiautomatic, under the definition of
18 this bill.

19 So that's what the bill will do.
20 For people who follow the laws, for people who
21 want to exercise their constitutionally protected
22 right, it will deprive them of that immediate
23 ability, it will make them go through more hoops
24 which we have not been able to define. But will
25 it stop the scourge of gun violence? No, it

1 won't.

2 There's been a scourge of gun
3 violence happening all over New York State, in
4 New York City, in the City of Rochester, in the
5 City of Buffalo -- not in a supermarket, but in
6 that same neighborhood. In that same
7 neighborhood, in the City of Buffalo, there have
8 been gun shootings, murders, assaults committed
9 with illegal firearms, illegal handguns. None of
10 these bills will address that.

11 We have a bill that has technology
12 to help our cops. The problem is the technology
13 doesn't really exist. We're increasing the age,
14 but we're actually doing more than that. We're
15 creating a whole new process which wasn't even
16 laid out or properly defined. By the way, not
17 the first time that the sponsor of a bill didn't
18 really understand the bill.

19 Intention is good, intent is
20 important. But what the bill really does, and
21 understanding it, is just as important.

22 It was said by one of my colleagues
23 across the aisle, if we could only get rid of the
24 guns or, I'm sorry, reduce gun ownership --
25 that's almost a direct quote. And that really is

1 the problem.

2 When we have these -- many
3 colleagues of mine said we're supposed to do
4 nothing, we're going to do nothing. We haven't
5 done nothing. The SAFE Act. Red flag law. Safe
6 storage law. Ghost guns. Don't sit here and
7 tell anyone we've done nothing. Most of these
8 bills have been around, although not all, many of
9 them have been around for years.

10 This has always been the agenda for
11 some of my colleagues on the Democratic side of
12 the aisle. There's an aversion to gun ownership.
13 The goal is to reduce legal gun ownership. Many
14 of my colleagues said over and over again: They
15 want it to be a hassle. They want owning a
16 firearm to be a hassle. They want performing
17 your Second Amendment rights to be a hassle.
18 They want to make it harder. Some, I'm sure,
19 would ban guns.

20 And that's why our conference
21 opposes these bills, because we do not subscribe
22 to that. I do believe the person behind the gun
23 is responsible for these atrocities. No one on
24 this side of the aisle has any culpability with a
25 racist scumbag coward who drove three hours --

1 one of my colleagues said, Well, maybe if they
2 have to walk an extra block, they'll think about
3 it. That guy drove three hours. He had three
4 hours to think about it. Didn't change his mind.

5 Neither does your law. Anyone who
6 can walk into a school and gun down a
7 third-grader, your law is not going to cause them
8 to rethink that. There are real issues.
9 Protecting our kids. There's an aversion -- the
10 aversion to guns is so strong, we don't even want
11 a police officer with a gun in a school.

12 While I was happy that there were
13 bills in here that even myself was able to
14 support, and my colleagues, the reality is this
15 package, this package, like all those laws
16 before -- the SAFE Act, that was going to stop
17 everything. Our Governor, former Governor, told
18 us so. Here we are. Safe storage, it was going
19 to save lives. Here we are. Bill after bill.
20 And mark my words, we'll be back again.

21 And for those talking about the
22 federal government, the federal government is in
23 complete control -- one party, the majority party
24 in this house is the majority party in the U.S.
25 Senate and the White House and in Congress. So

1 if they want to pass federal legislation, they
2 have the ability to do so. But even amongst
3 Democrats in Washington, D.C., and across this
4 country, there is not unanimity, because they're
5 not all as progressive, they're not all as averse
6 to gun ownership as some of my colleagues here.

7 So, Mr. President, we all share the
8 loathing, the sickening about what's happened.
9 But I will also add the shooter in Tulsa,
10 Oklahoma, he was 45 years old. Not every shooter
11 is under 21. Bad news for you, a lot of people
12 who commit mass shootings are over 21. Because
13 it's the shooter, that's the problem.

14 And when we start getting serious
15 about people who commit crimes with guns, who
16 commit crimes with illegal firearms, instead of
17 giving them desk appearance tickets, then I'll
18 get lectured by some of my colleagues about
19 safety and about working with our law enforcement
20 and protecting New Yorkers.

21 So, well-intentioned as some of
22 these bills may be, they fail to meet the moment
23 and they in fact do infringe on our
24 constitutional amendment. And for those reasons,
25 Mr. President, like most of my conference, I'll

1 be voting in the negative.

2 ACTING PRESIDENT BAILEY: Senator
3 Ortt to be recorded in the negative.

4 Majority Leader Andrea
5 Stewart-Cousins to close.

6 SENATOR STEWART-COUSINS: Thank
7 you, Mr. President.

8 Buffalo, Uvalde, Tulsa -- three more
9 places added to that uniquely American list of
10 mass shooting sites. Since Uvalde last week,
11 there have been 18 more, 18 more mass shootings.
12 Just think about that. This year alone, since
13 January, there are over 230 mass shootings.

14 Over and over again, we think that
15 our country will finally get to the moment of
16 reckoning after one of the shootings dominates
17 the headlines, but we don't. We hear the words.
18 We hear fake promises. We have thoughts, we have
19 prayers, we have condolences. And what happens
20 when the tears dry? Because no action is taken,
21 the inevitable happens. We have another mass
22 shooting added to the horrific and, again,
23 uniquely American list.

24 So many of my colleagues, my
25 Republican colleagues are not willing to take any

1 action. For years, along with the gun industry
2 allies flooding the streets with weapons of
3 war -- and at the same time fearmongering,
4 pushing dangerous misrepresentations on a federal
5 level. We have Republican obstruction, the
6 threat of the Supreme Court overturning the state
7 ban on concealed carry.

8 New York cannot stand idly by, and
9 that's why we're here. We're taking action.
10 We're once again leading the nation on smart and
11 commonsense gun laws. State legislatures have to
12 act. We have to be the ones to take action. And
13 I frankly hope that others will follow on our
14 lead. We don't have all the answers. No, we
15 don't. But what we want to do is disrupt a
16 culture that has created a horrific and scary
17 present and future if we're not willing to say
18 we're unwilling to continue down this path.

19 Ten bills are passing today in both
20 the Senate and the Assembly, and the idea is to
21 tighten New York's gun laws, to close loopholes
22 that directly address the gaps in our laws
23 exposed by these horrific shootings in Buffalo,
24 Uvalde, Chattanooga, and around the country.
25 Why? Because, as I said, we need to create more

1 roadblocks between someone having a lethal
2 premeditated idea and them acting on it.

3 We're changing the law to require
4 that an individual obtain a license with a
5 minimum age of 21 to purchase a semiautomatic
6 rifle. The fact that you needed a permit for a
7 semiautomatic handgun but not for a rifle, which
8 is a true weapon of war, makes no sense.

9 By requiring the permits, we're
10 raising the age, building in an automatic
11 cooling-off period, requiring a background check,
12 and creating a record of who owns these weapons.

13 We're passing a microstamping act
14 which will require semiautomatic pistols
15 manufactured or delivered to any licensed dealer
16 in this state be capable of microstamping
17 ammunition. This will allow us to clear more
18 domestic violence and murder cases.

19 In this legislative package we're
20 also strengthening the red flag law by expanding
21 the list of people who can file for extreme risk
22 protection orders. We never want a tragedy like
23 Buffalo to happen again. We have red flag laws.
24 We don't understand what happened. That's why
25 we're making sure that we close that loophole and

1 that more people can be able to apply for extreme
2 risk protection orders.

3 We're confronting the spread of
4 misinformation and hateful ideology by finally
5 demanding social media platforms do more. There
6 are no more excuses. We need a mechanism so that
7 when people see something, they can say
8 something. And we need the resources to
9 investigate real solutions. That's why we've
10 created a special task force in the Attorney
11 General's office. This will allow law
12 enforcement to break the echo chamber where
13 malice festers.

14 In these devastating times in
15 New York and across the nation, we must stand
16 united to address the laws that keep allowing
17 guns to fall into the wrong hands. It's one
18 thing to pass laws, but we need to ensure that
19 these measures are being enforced to fully
20 provide public protection. And I, along with my
21 colleagues, will continue working on different
22 levels of government and with different levels of
23 government to make sure we do as much as we can
24 and these things get done.

25 Mr. President, this is one step in a

1 lifelong journey. We will always have more work
2 to do to prevent and heal from these atrocities.
3 But I -- and I know all of us are committed to
4 this work and emboldened by those who are
5 depending on us to take action.

6 I very proudly vote aye. Thank you.

7 ACTING PRESIDENT BAILEY: Majority
8 Leader Stewart-Cousins to be recorded in the
9 affirmative.

10 Announce the results.

11 THE SECRETARY: In relation to
12 Calendar Number 1876, those Senators voting in
13 the negative are Senators Akshar, Borrello,
14 Boyle, Gallivan, Griffio, Helming, Jordan, Lanza,
15 Martucci, Mattera, Oberacker, O'Mara, Ortt,
16 Palumbo, Rath, Ritchie, Serino, Stec, Tedisco and
17 Weik.

18 Ayes, 43. Nays, 20.

19 ACTING PRESIDENT BAILEY: The bill
20 is passed.

21 Senator Gianaris, that completes the
22 reading of the controversial calendar.

23 SENATOR GIANARIS: Thank you,
24 Mr. President.

25 Just to give members a sense of

1 schedule for the remainder of the evening, we are
2 going to break for respective party conferences
3 at this moment.

4 We're going to call a Rules
5 Committee meeting for 10:30 p.m.

6 And the Democratic Conference will
7 meet at 9:30 p.m. The link for the virtual
8 conference will be sent to your emails.

9 Please recognize Senator Lanza.

10 ACTING PRESIDENT BAILEY: Senator
11 Lanza.

12 SENATOR LANZA: Mr. President,
13 there's an immediate meeting of the Republican
14 Conference in Room 315 of the Capitol.

15 ACTING PRESIDENT BAILEY: There
16 will be a meeting of the Democratic Conference at
17 9:30 and an immediate meeting of the Republican
18 Conference in the Republican Conference Room.

19 And Rules will be at 10:30.

20 SENATOR GIANARIS: Correct.

21 The Senate will stand at ease.

22 ACTING PRESIDENT BAILEY: The
23 Senate will stand at ease.

24 (Whereupon, the Senate stood at ease
25 at 8:36 p.m.)

1 (Whereupon, the Senate reconvened at
2 11:38 p.m.)

3 ACTING PRESIDENT BAILEY: The
4 Senate will return to order.

5 Senator Gianaris.

6 SENATOR GIANARIS: Mr. President, I
7 believe there's a report of the Committee on
8 Rules at the desk. Can we take that up, please.

9 ACTING PRESIDENT BAILEY: The
10 Secretary will read.

11 THE SECRETARY: Senator
12 Stewart-Cousins, from the Committee on Rules,
13 reports the following bills:

14 Senate Print 922C, by Senator May,
15 an act to amend the Education Law;

16 Senate Print 2238B, by
17 Senator Brooks, an act to amend the
18 Public Health Law;

19 Senate Print 4594B, by Senator May,
20 an act to amend the Real Property Actions and
21 Proceedings Law;

22 Senate Print 5625, by
23 Senator Martucci, an act to amend the
24 State Technology Law;

25 Senate Print 5946B, by

1 Senator Reichlin-Melnick, an act to amend the
2 Real Property Tax Law;

3 Senate Print 6541A, by
4 Senator Rivera, an act to amend the
5 Public Health Law;

6 Senate Print 6680A, by
7 Senator Savino, an act to amend the
8 Civil Rights Law;

9 Senate Print 6742, by Senator Ramos,
10 an act to amend the Alcoholic Beverage Control
11 Law;

12 Senate Print 6895A, by
13 Senator Rivera, an act to amend the
14 Public Housing Law;

15 Senate Print 8025, by
16 Senator Palumbo, an act to repeal Sections 2, 3,
17 4 and 5 of Chapter 330 of the Laws of 2011;

18 Senate Print 8048B, by
19 Senator Mattera, an act authorizing the County of
20 Suffolk and the Town of Smithtown, located in the
21 County of Suffolk, to exchange certain parklands;

22 Senate Print 8216, by
23 Senator Rivera, an act to amend the
24 Correction Law;

25 Senate Print 8268B, by

1 Senator Mannion, an act to amend the
2 Real Property Tax Law;

3 Senate Print 8449B, by
4 Senator Sanders, an act establishing a commission
5 to determine what benefits a public bank or
6 network of public banks owned by the State of
7 New York can provide;

8 Senate Print 8541A, by
9 Senator Brooks, an act in relation to authorizing
10 the Village of Freeport, County of Nassau, to
11 alienate and discontinue the use of certain
12 parklands;

13 Senate Print 8558A, by
14 Senator Gounardes, an act to amend the
15 Retirement and Social Security Law;

16 Senate Print 8846, by
17 Senator Ritchie, an act to amend the Tax Law;

18 Senate Print 8889A, by
19 Senator Hinchey, an act to amend the
20 Public Authorities Law;

21 Senate Print 8987A, by
22 Senator Breslin, an act to authorize the
23 commissioner of the Office of General Services to
24 convey certain unappropriated state land to KIPP;

25 Senate Print 9049, by

1 Senator Kaplan, an act to amend the
2 Alcoholic Beverage Control Law;

3 Senate Print 9059A, by
4 Senator Reichlin-Melnick, an act to amend the
5 Tax Law;

6 Senate Print 9083, by
7 Senator Brooks, an act to amend the
8 General Municipal Law;

9 Senate Print 9085, by
10 Senator Savino, an act to amend the
11 General Municipal Law;

12 Senate Print 9086, by
13 Senator Mannion, an act relating to assessing the
14 staffing and other issues causing the continued
15 displacement of individuals with developmental
16 disabilities;

17 Senate Print 9119, by
18 Senator Gounardes, an act to amend the
19 Retirement and Social Security Law;

20 Senate Print 9141, by Senator Stec,
21 an act to authorize the County of Clinton to
22 offer an optional 25-year retirement plan to
23 certain deputy sheriffs;

24 Senate Print 9149, by
25 Senator Gounardes, an act to amend the Workers'

1 Compensation Law;

2 Senate Print 9349, by Senator Myrie,
3 an act to amend the Facilities Development
4 Corporation Act;

5 Senate Print 9352, by Senator Lanza,
6 an act to amend the Environmental Conservation
7 Law;

8 Senate Print 9448, by Senator Brouk,
9 an act to amend the Education Law;

10 Senate Print 9469, by
11 Senator Hinchey, an act to amend the
12 Public Service Law;

13 Senate Print 9471, by
14 Senator Kavanagh, an act to amend the
15 Real Property Tax Law;

16 Senate Print 9478, by
17 Senator Jackson, an act to amend the
18 Civil Service Law;

19 Senate Print 74A, by
20 Senator Hoylman, an act to amend the Estates,
21 Powers and Trusts Law;

22 Senate Print 6486D, by
23 Senator Parker, an act to amend the Environmental
24 Conservation Law;

25 Senate Print 8530C, by

1 Senator Kennedy, an act to amend the
2 General Business Law;

3 Senate Print 8850, by
4 Senator Kavanagh, an act to amend Chapter 56 of
5 the Laws of 2021;

6 Senate Print 4155A, by
7 Senator Comrie, an act to amend the
8 Insurance Law.

9 All bills reported direct to third
10 reading.

11 SENATOR GIANARIS: Move to accept
12 the report of the Rules Committee.

13 ACTING PRESIDENT BAILEY: All those
14 in favor of accepting the report of the
15 Rules Committee signify by saying aye.

16 (Response of "Aye.")

17 ACTING PRESIDENT BAILEY: Opposed,
18 nay.

19 (No response.)

20 ACTING PRESIDENT BAILEY: The
21 report of the Rules Committee is accepted.

22 Senator Gianaris.

23 SENATOR GIANARIS: I believe
24 there's a report of the Judiciary Committee at
25 the desk.

1 Can we take that up now, please.

2 ACTING PRESIDENT BAILEY: The
3 Secretary will read.

4 THE SECRETARY: Senator Hoylman,
5 from the Committee on Judiciary, reports the
6 following nominations:

7 As Interim Justice of the
8 Supreme Court, Nassau County: Wayne Ozzi.

9 As Interim Justice of the
10 Supreme Court, Kings County, Matthew J. D'Emic.

11 As Judge of the Court of Claims:
12 Stephanie Saunders; Michael Siragusa;
13 Betty Calvo-Torres; Stephen Thomas Miller;
14 Zainab Chaudhry; Anthony Brindisi; Anar Patel;
15 Javier Enrique Vargas; Sarika Kapoor;
16 Joanne Quinones; Maureen Heitner; Tim Lewis.

17 As Justice of the Supreme Court,
18 Erie County: Craig Hannah and Edward Pace.

19 As Surrogate Judge of the
20 St. Lawrence County Surrogate's Court:
21 Michelle Holmes Ladouceur.

22 As Judge of the Nassau County
23 Family Court: Colin O'Donnell; Eileen Goggin;
24 Joy Watson; Deral Dwayne Givens.

25 ACTING PRESIDENT BAILEY: Senator

1 Hoylman.

2 SENATOR HOYLMAN: Thank you,
3 Mr. President. I rise to submit the report from
4 the Judiciary Committee.

5 And I'd like to congratulate not
6 just the members of the committee and not just
7 Governor Hochul for those splendid nominations,
8 but also to our nominees who are here in the
9 chamber this evening, many of them who persevered
10 throughout the entire day.

11 What's so impressive, Mr. President,
12 about this roster of judicial candidates is the
13 diversity. First of all, it's the diversity of
14 their backgrounds.

15 Let me just tell you, Mr. President,
16 we have three first-generation Americans who have
17 been nominated to a number of courts. We have
18 the first little person who's been nominated to
19 the Court of Claims. Believe it or not, the
20 first gay man who's been nominated to the Court
21 of Claims. The first Muslim New Yorker nominated
22 to the Court of Claims. The first three
23 South Asians nominated to the Court of Claims.
24 We have Black nominees, we have Latino nominees,
25 we have Latina nominees.

1 And of course their background is
2 diverse, which is so important. Because when
3 you're a litigant and you look up on that bench,
4 Mr. President, you want to see someone who
5 understands your lived experience. That's why we
6 strive for judicial diversity in the State of
7 New York, as my colleague Senator Sepúlveda has
8 said many times.

9 But it's also their professional
10 background that's so diverse. We have public
11 defenders, we have experts and former judges in
12 problem-solving courts. We have individuals who
13 have served in white-shoe law firms and have
14 practiced pro bono defense and immigration law.

15 So let me say that I could not be
16 more proud to submit this report. We have seen a
17 sea change from the previous Governor in terms of
18 judicial nominees.

19 I welcome them. I congratulate them
20 and their families.

21 And I urge you, Mr. President, to
22 accept this report and call on any colleagues who
23 wish to speak about these specific judicial
24 nominees.

25 Thank you, Mr. President.

1 ACTING PRESIDENT BAILEY: Thank
2 you, Senator Hoylman.

3 Senator Ryan on the nominations.

4 SENATOR RYAN: Thank you very much,
5 Mr. President.

6 I have several folks I want to speak
7 of, and I'm going to try to go through with
8 deliberate speed.

9 And it's great to see people here
10 today at the hour. To all the nominees,
11 congratulations.

12 I'm going to start with four
13 nominees that I'm familiar with; I'm going to
14 start in the East and go to the West.

15 Anthony Brindisi, who's not here but
16 he's watching. Anthony has been involved in the
17 Utica community for many years. He was a school
18 board member who worked hard to improve the
19 education system. He was my colleague in the
20 Assembly. We came in together in 2011 in a
21 special election. We became fast friends. And
22 we joined forces to help lift up the growing
23 refugee populations both in Buffalo, Utica and
24 across New York State.

25 Anthony served with distinction as a

1 member of congress from 2019 to '21 and works as
2 a lawyer in his family's law firm with his father
3 Louis and his sister Eva.

4 I'm so happy for Anthony. I know he
5 will make an excellent judge. I know that Erica,
6 Anthony Jr. and Lily are all going to be happy to
7 have him home again.

8 So congratulations to Judge -- now
9 Judge Brindisi.

10 Judge Betty Calvo-Torres is up here.
11 I've known Betty for a long time. When she was a
12 freshly minted district attorney, I was a public
13 defender and we were working out in the town
14 courts, riding the circuit.

15 Our family lives and legal and
16 political careers have run parallel to one
17 another. I was so pleased to support her when
18 she ran successfully for Buffalo City Court in
19 2008. And that was noteworthy because she was
20 the first female Hispanic elected to Buffalo City
21 Court.

22 I was very pleased to support her
23 nomination, and I know that Charlie and Christian
24 could not be more proud of her today.

25 Stephanie Saunders, also another

1 Buffalonian. Wide legal experience in both the
2 public and the private sector. She's going to
3 serve well on the bench.

4 For the past five and a half years
5 she's been the principal law clerk for Honorable
6 Jeannette Ogden in the State Supreme Court. The
7 experience will no doubt serve her in her own
8 courtroom.

9 I was happy to chat with Stephanie's
10 mom yesterday, and you couldn't believe how proud
11 she was.

12 In alphabetical order, the last is
13 Mike Siragusa. I've also been an attorney with
14 Mike over the years. He was a New York Assistant
15 Attorney General, and he's currently the Erie
16 County Attorney. He's been in that position for
17 about 10 years. And that is a hard job.

18 He's a leader in the legal
19 community, he's an expert in all areas of civil
20 law. He's going to be missed in the County
21 Attorney's office, but he is going to be a great
22 asset to the Court of Claims.

23 So to Anthony, Betty, Stephanie and
24 Mike, congratulations. I know you're all going
25 to make Buffalo and Utica proud.

1 ACTING PRESIDENT BAILEY: Senator
2 Cooney on the nominations.

3 SENATOR COONEY: Thank you,
4 Mr. President.

5 I rise to express my great
6 satisfaction in Judge Stephen Miller's
7 appointment to the Court of Claims.

8 Judge Stephen Miller is a
9 constituent and a friend who has tirelessly
10 served my district in Rochester and all of
11 Monroe County for over two decades, first as an
12 assistant district attorney and currently as a
13 Rochester City Court judge.

14 Judge Miller is from the City of
15 Rochester and still lives in our community just a
16 few blocks from where he was raised, where he
17 attended Wilson Magnet High School. As a fellow
18 Rochester City Schools graduate, I'm always proud
19 to see representation in state government
20 service.

21 Recently Judge Miller was awarded
22 the Rochester Black Association's Bridge Builder
23 Award, and he is highly qualified to bring a
24 diverse and unifying perspective to our state's
25 judiciary. In fact, I believe that Judge Miller

1 will be one of the first people of color to
2 represent the 7th Judicial District on the Court
3 of Claims.

4 I have personally witnessed Judge
5 Miller's commitment to professionalism and his
6 accomplishments in serving our community,
7 including our faith community, and I
8 wholeheartedly support his nomination to the
9 Court of Claims.

10 Thank you, Mr. President.

11 ACTING PRESIDENT BAILEY: Senator
12 Rivera on the nominations.

13 SENATOR RIVERA: Thank you,
14 Mr. President.

15 While I'm sure, Mr. President, that
16 there will be many conversations that we have
17 with the Governor in the future about diversity
18 in her appointments, I will say that credit where
19 credit is due.

20 When we first received some
21 potential nominations for the Court of Claims, we
22 very clearly said that we needed more diversity
23 in that group of folks that were nominated, and
24 she responded in style.

25 The fact is that the folks who are

1 before us are not only supremely well qualified
2 but are representative of many groups that, as
3 was stated by Senator Hoylman, many folks who
4 have not had the opportunity to serve in the
5 Court of Claims. And I am incredibly proud to
6 vote in the affirmative.

7 But there's one person in particular
8 that I want to point out, and that is Your Honor
9 Betty Calvo-Torres. Although we've only had the
10 chance to meet briefly, you should know,
11 Your Honor, that your reputation precedes you.

12 The fact is that in Western New York
13 there has never been a Latina in this particular
14 position. And she will serve honorably, I know
15 this well. You should know that there are many
16 folks who reached out all the way from Western
17 New York, all the way to me in the Bronx, saying
18 "This is somebody that you need to stand up for."
19 Community leaders, other fellow jurists, and even
20 the Cookie Man said that this is somebody who
21 needs to serve and will serve with honor.

22 So this is an amazing roster. I
23 congratulate each and every single one of you. I
24 just singled out the judge because it was
25 necessary to point out how -- the service that

1 she will do over there. But I know that each one
2 of you will serve honorably. And I am incredibly
3 proud to vote in the affirmative for this
4 fantastic slate of jurists.

5 Thank you, Mr. President.

6 ACTING PRESIDENT BAILEY: Thank
7 you.

8 Senator Sepúlveda on the
9 nominations.

10 SENATOR SEPÚLVEDA: Thank you,
11 Mr. President, for allowing me to speak on these
12 nominations.

13 First of all, I want to congratulate
14 everyone who has been nominated and will serve as
15 justices in different capacities. But as my
16 brother colleague here, Senator Hoylman,
17 indicated, I am the chair of the Subcommittee on
18 Judicial Diversity, and that is something that's
19 one of my passions.

20 As a proud Latino man from
21 Puerto Rican descent, I became a lawyer in 1992
22 and when I first set foot in the courthouse, I
23 think there was one judge of Hispanic descent in
24 the entire building.

25 Now, over the years we have seen

1 improvements in the election process with judges,
2 especially south of Yonkers. We haven't had as
3 much success in the appointment processes,
4 especially north of Yonkers. But today we do
5 well. Today I have to give credit where credit
6 is due.

7 I have been hard on the issue of
8 diversity, and I will continue to do so until
9 this state's images represent the population of
10 Latinos that we have in New York. But today I'm
11 so proud of three nominees for the Court of
12 Claims because these are individuals that will
13 make us proud.

14 When you are young and you're a
15 child, sometimes the people that you meet, the
16 people that you read about or you have
17 experiences with, can promote an interest in you
18 to strive for a career, to strive for a goal.
19 And when I was a young Latino boy in first,
20 second, third grade, there were no examples like
21 that for me. I had a grandfather who did not
22 have a formal education but was one of the
23 smartest persons I ever knew, and he taught me
24 about the law and injustice. He taught me about
25 Martin Luther King and a famous Puerto Rican

1 figure called Pedro Albizu Campos.

2 But there weren't role models there.
3 Now we have three. Future generations -- my
4 young child, who's half Dominican and half
5 Puerto Rican -- can look at them and say, I can
6 strive and accomplish the same thing. These are
7 the role models that we're putting forth today.

8 Joanne Quinones, Judge Quinones,
9 Judge Betty Calvo-Torres, who will always have a
10 special place in my heart -- not that the other
11 ones won't -- and Javier Enrique Vargas are three
12 exemplary people of Latino descent. They are
13 highly skilled, they are highly qualified, and
14 they are high-quality human beings.

15 And today you will make us proud.
16 All I ask is that don't forget wherever you --
17 where you came from, and pay it back for future
18 generations.

19 Thank you, and congratulations.

20 ACTING PRESIDENT BAILEY: Senator
21 Kennedy on the nominations.

22 SENATOR KENNEDY: Thank you,
23 Mr. President.

24 I rise today to support a number of
25 individuals from Western New York, each of whom

1 has proven themselves to be of the highest
2 integrity and demonstrated their commitment to
3 equal justice under the law.

4 Chief Judge Craig Hannah of the
5 Buffalo City Court and Orchard Park Town Justice
6 Ed Pace, both nominated to the Erie County
7 Supreme Court. And Stephanie Saunders, Mike
8 Siragusa and Judge Betty Calvo-Torres all
9 nominated to the Court of Claims. I also want to
10 recognize in the gallery Zainab Chaudhry, who
11 will also be appointed to the Court of Claims.

12 I'm very proud to support these
13 nominees, and I want to commend Governor Hochul
14 for her diligence in ensuring that these
15 judgeships are filled by highly qualified
16 individuals who we know we can count on all
17 across New York State.

18 I also want to take this opportunity
19 to recognize my friend and our great leader and
20 champion for Western New York -- and really all
21 of us in this state -- who's joined us in the
22 chamber here this evening, Majority Leader
23 Crystal Peoples-Stokes.

24 Majority Leader, great to see you
25 today. Thank you.

1 (Applause.)

2 SENATOR KENNEDY: We have a great
3 partnership, and this partnership helped bring
4 these judges to the attention of the Governor,
5 who put them forward to be confirmed here this
6 moment.

7 Judge Betty Calvo-Torres has served
8 at Buffalo City Court since 2007, after serving
9 as ADA and Erie County commissioner for the
10 Buffalo Municipal Housing Authority,
11 demonstrating a commitment to fairness time and
12 time again.

13 In 2020 she was one of 99 State
14 Court judges of color who issued a collective
15 statement reaffirming their duty to dispense
16 equal treatment for all. That commitment came in
17 the wake of the murder of George Floyd. It was a
18 powerful demonstration of their promise to uphold
19 the Constitution of the United States and the
20 State of New York, and to be mindful of the
21 impacts racism and systemic injustices have on
22 people of color.

23 Judge Calvo-Torres isn't just vocal
24 on the bench. She's an active member of our
25 community, having personally served as the

1 president of the Hispanic Women's League, the
2 Minority Bar Association of Western New York, and
3 on and on and on. She does so much for our
4 community. In fact, Judge Torres was the first
5 Latina judge to serve on the Buffalo City Court,
6 making her a trailblazer in Western New York.
7 And she breaks another glass ceiling with this
8 appointment tonight.

9 For all of those reasons and more, I
10 wholeheartedly support the nomination of
11 Judge Betty Calvo-Torres to the Court of Claims.

12 And the Erie County Attorney,
13 Mike Siragusa, who's handled himself with
14 professionalism and skill, holding the position
15 for the past decade, and previously serving as an
16 Assistant Attorney General and Deputy Assistant
17 Attorney General in charge of the Buffalo
18 regional office.

19 For the past five years, Mike has
20 served as the president of the County Attorneys
21 Association for the State of New York, showing
22 the level of respect his fellow county attorneys
23 hold for him.

24 In addition, he serves our community
25 in a variety of ways, including on the boards of

1 the Buffalo Zoo and the Buffalo Erie Niagara Land
2 Improvement Corporation.

3 As a former Erie County legislator,
4 I know how important the work of the Erie County
5 Attorney is, which is why I know Mike Siragusa
6 will be an excellent member of the Court of
7 Claims.

8 Buffalo native -- and our great
9 friend -- Stephanie Saunders, who is an exemplary
10 nominee for the Court of Claims. Currently
11 serving as the principal law clerk for the
12 Honorable Jeannette Ogden at the New York State
13 Supreme Court in Erie County. Prior to that, she
14 served as the assistant corporation counsel for
15 the Buffalo Board of Education.

16 Stephanie received her law degree
17 from the University of Buffalo and quickly
18 emerged as a leading attorney, well-versed on
19 tax, estate planning, pension and employee
20 benefits. She's built her career in the city and
21 region she loves, and we're all better off
22 because of her work.

23 She's the president of the
24 Minority Bar Foundation of Western New York,
25 which works to prioritize minority representation

1 in the profession and empower future leaders to
2 help shape our justice system.

3 In everything she does, personally
4 and professionally, she leads with purpose,
5 passion, and integrity. I'm thrilled to support
6 her nomination here today.

7 Judge Craig Hannah, who's been a
8 member of the Buffalo City Court since 2006 and
9 served as chief judge since 2019.

10 Judge Hannah's track record is truly
11 impressive, serving as the presiding judge of the
12 nation's first Opioid Intervention Court. This
13 intervention court was designed with input by
14 medical professionals working to get nonviolent
15 drug users into treatment within hours of their
16 arrest instead of weeks, and requiring daily
17 check-ins with the court and quickly linking them
18 with the medication-assisted treatment and
19 behavioral treatment to get them back on the path
20 to recovery, recognizing that individuals
21 fighting addiction need all of our support.

22 At every step of his career,
23 Judge Hannah has shown himself to be a consummate
24 professional who's more than deserving of the
25 high esteem in which he's held by the

1 Western New York legal community and our entire
2 community. Judge Hannah's made us so proud on
3 the Buffalo City Court, and I know he'll continue
4 that track record on the Erie County Supreme
5 Court.

6 And Ed Pace, currently serving as
7 town judge for the Town of Orchard Park since
8 2002. A true public servant, he has served as
9 deputy supervisor of the Town of Orchard Park, a
10 trustee for Orchard Park Library, and a trustee
11 for the Cornell Cooperative Extension for
12 Erie County.

13 In his two decades as Orchard Park
14 town justice, he's overseen thousands of cases
15 ranging from vehicle and traffic matters to small
16 claims and criminal offenses. Regardless of the
17 case in front of him, Judge Pace has treated each
18 case with the attention and care that it merits,
19 recognizing that any appearance before a court by
20 an individual is important. And with his legal
21 experience, Judge Pace will bring strong legal
22 acumen to the Erie County Supreme Court.

23 Again, Mr. President, I want to
24 thank the Governor for these strong nominations
25 that will ensure Western New Yorkers and all

1 state residents will have qualified and caring
2 members of the Court of Claims and the
3 Erie County Supreme Court for years to come.

4 I proudly vote aye.

5 ACTING PRESIDENT BAILEY: Senator
6 Thomas on the nominations.

7 SENATOR THOMAS: Thank you,
8 Mr. President.

9 I rise on this very historic day --
10 it's a historic day because, for our South Asian
11 community, we have three trailblazers in this
12 list of nominees. I want to congratulate all the
13 nominees, actually.

14 I want to especially congratulate
15 Zainab Chaudhry, Anar Patel, and Sarika Kapoor,
16 the three trailblazers from our South Asian
17 community.

18 You know, we came to this country as
19 immigrants. Our parents brought us here, we
20 worked two or three jobs to get through the year,
21 and they raised the kids to do the right thing
22 and to do the best that they can. And now, look
23 at all of you, being nominated for judgeships in
24 the Court of Claims. I'm incredibly proud of all
25 of you. Keep up the great work. And God bless

1 you all.

2 I vote aye.

3 ACTING PRESIDENT BAILEY: Senator
4 Mayer on the nominations.

5 SENATOR MAYER: Thank you,
6 Mr. President.

7 I do want to commend the Governor
8 for this not only really spectacularly qualified
9 group of nominees for the Court of Claims -- and
10 thank you for those who stuck it out all the
11 night tonight -- but also for, as my colleagues
12 have said, the historic diversity of those who
13 will represent New Yorkers in hearing their
14 cases.

15 I want to mention two nominees.

16 My former colleague Anthony Brindisi
17 was a member of the Assembly with a number of us
18 here today, and then was an exceptional member of
19 Congress. He is an extraordinary lawyer. He
20 cares about his community. He's been a leader on
21 the issues that were not always the easiest
22 politically, but they showed his courage and his
23 determination and his intelligence.

24 And so I'm very, very pleased that
25 the Governor has nominated him for the Court of

1 Claims.

2 And in my district, my constituent,
3 Anar Rathod Patel, who's not here any longer. I
4 think she has three small kids and she
5 understandably drove home.

6 But Anar Patel grew up in the small
7 rural town of Sherman, Texas. Her parents, both
8 physicians, emigrated to the United States in
9 1975 and started their -- began their practices.

10 She went on to become an exceptional
11 lawyer, now counsel at Simpson Thacher & Bartlett
12 in New York City, as well as an adjunct professor
13 at Columbia Law School, after clerking for a
14 federal district court judge. In addition, she's
15 handled pro bono immigration cases in the firm,
16 been active in our community, managing all that
17 while being a mother of three small children and
18 really having an exceptional legal career to date
19 as a young woman.

20 It is so very fitting that the
21 Governor has nominated her. I couldn't be more
22 pleased, not only for myself and my constituents,
23 but for all in the judicial district that she
24 will represent, who will have someone of such
25 high caliber and representing the diversity of

1 our community.

2 So I'm proud to vote aye. Thank
3 you, Mr. President.

4 ACTING PRESIDENT BAILEY: The
5 question is on the nominations.

6 Call the roll.

7 (The Secretary called the roll.)

8 ACTING PRESIDENT BAILEY: Announce
9 the results.

10 THE SECRETARY: Ayes, 63.

11 ACTING PRESIDENT BAILEY: The
12 nominees are confirmed.

13 (Extended standing ovation.)

14 ACTING PRESIDENT BAILEY: On behalf
15 of the New York State Senate, we congratulate you
16 and we wish you the best of luck.

17 Senator Gianaris.

18 SENATOR GIANARIS: Mr. President, I
19 now believe there's a report of the
20 Finance Committee at the desk.

21 Can we take that up and recognize
22 Senator Krueger.

23 ACTING PRESIDENT BAILEY: The
24 Secretary will read.

25 THE SECRETARY: Senator Krueger,

1 from the Committee on Finance, reports the
2 following nominations.

3 As Major General of the Air National
4 Guard, Department of Military and Naval Affairs:
5 Denise Donnell.

6 As a member of the Board of Parole:
7 Darryl Towns.

8 As commissioner and president of the
9 Civil Service Commission: Timothy Hogue.

10 As members of the Workers'
11 Compensation Board: Renee Delgado, Steven A.
12 Crain, Mark Daniel Higgins and Samuel G.
13 Williams.

14 As member and vice chair of the
15 Workers' Compensation Board: Freida D. Foster.

16 ACTING PRESIDENT BAILEY: Senator
17 Gianaris.

18 SENATOR GIANARIS: Mr. President,
19 before we proceed with the nominations, pursuant
20 to Rule 5, Section 2, I request permission to
21 continue our business after midnight.

22 ACTING PRESIDENT BAILEY: So
23 ordered.

24 Senator Krueger.

25 SENATOR KRUEGER: Excuse me. I

1 didn't realize it was broken down into two
2 pieces. Thank you very much.

3 So as the Finance chair, we took up,
4 as you'll see if you listen for the whole list
5 tonight, an enormous number of nominees in the
6 last several weeks, to both work for the state
7 and to contribute as board members in various
8 unpaid positions.

9 This first group are people who were
10 nominated by the Governor to take on actual
11 positions that are paid for, working for the
12 State of New York: Board of Parole, Workers'
13 Compensation Board, Civil Service Commission, and
14 the Air National Guard.

15 Each of them went through their
16 appropriate committee interviews or chairs of the
17 committee interviews and then through the
18 Finance Committee. All of the people -- who are
19 before us on paper, since it's 1:00 in the
20 morning -- midnight, excuse me -- were supported
21 by the majority of members of the committees to
22 come to the floor of the Senate.

23 So in their absence, I am hoping
24 that we won't have that many speeches this
25 evening. But we congratulate them all on the

1 jobs that they have been appointed to, and we are
2 confident that they will do well in them.

3 Thank you, Mr. President.

4 ACTING PRESIDENT BAILEY: Senator
5 Kennedy on the nominations.

6 SENATOR KENNEDY: Thank you,
7 Mr. President.

8 Let me just start by recognizing a
9 few individuals that need to be recognized for
10 their leadership and congratulated on their
11 nomination as well as confirmation here tonight,
12 people that I have known for many years --
13 decades, even -- and have earned these titles
14 that I believe Governor Hochul has made
15 extraordinary selections.

16 Tim Hagues, as the commissioner and
17 president of the Civil Service Commission, has
18 been a wonderful leader in Western New York and
19 Erie County, in his church and in our community.

20 Mark Higgins and Sam Williams as
21 members of the Board of Workers' Compensation
22 have been leaders their entire lives, both in
23 labor and in the community, as well as ensuring
24 fairness and justice.

25 I want to recognize them, and I want

1 to thank Governor Hochul for bringing them to the
2 floor tonight.

3 Thank you, Mr. President. I vote
4 aye.

5 ACTING PRESIDENT BAILEY: Are there
6 any other Senators wishing to be heard on the
7 nominations?

8 Seeing and hearing none, the
9 question is on the nominations. All those in
10 favor signify by saying aye.

11 (Response of "Aye.")

12 ACTING PRESIDENT BAILEY: Opposed,
13 nay.

14 (No response.)

15 ACTING PRESIDENT BAILEY: The
16 nominations are confirmed.

17 Congratulations to the nominees.

18 Senator Gianaris.

19 SENATOR GIANARIS: And I believe
20 we're still on the report of the Finance
21 Committee. There's a second resolution as part
22 of that report.

23 ACTING PRESIDENT BAILEY: The
24 Secretary will read.

25 THE SECRETARY: As members of the

1 Adirondack Park Agency: Benita Law-Diao and
2 Arthur Lussi.

3 As member and chair of the
4 Adirondack Park Agency: John Ernst.

5 As members of the Administrative
6 Review Board for Professional Medical Conduct:
7 Jill Rabin, MD, and Michael Reichgott, MD.

8 As members of the Behavioral Health
9 Services Advisory Council: Angelica Durham and
10 Joseph Turner.

11 As members of the Board for Historic
12 Preservation: John Aldrich and Dewey "Wayne"
13 Goodman.

14 As a member of the Board of Visitors
15 for the Capital District Developmental
16 Disabilities Services Office: Nirmala Sankaran.

17 As a member of the Capital District
18 Transportation Authority: Daniel Lynch.

19 As members of the Board of Visitors
20 of the Central New York Forensic Psychiatric
21 Center: Khadijah Osbourne and Lynn Schuetrum.

22 As a member of the Central New York
23 Regional Transportation Authority: Francis Saya
24 III.

25 As a member of the Continuing Care

1 Retirement Community Council: Wayne L. Kaplan.

2 As a member of the Correction

3 Medical Review Board: Michael Pratts, Jr., MD.

4 As members of the Council on

5 Human Blood and Transfusion Services:

6 Amy Schmidt, MD; David Huskie; Timothy Hilbert;

7 and Jessica Jacobson.

8 As a member of the Board of Visitors

9 of the Creedmoor Psychiatric Center:

10 Jane Bardavid.

11 As a member of the Dormitory

12 Authority: Lisa Gomez.

13 As a commissioner of the

14 Gateway Development Commission: Alicia Glen.

15 As board members of the Genesee

16 State Park, Recreation and Historic Preservation

17 Commission: Nathan Coogan and Loren Penman.

18 As a member of the Great Lakes

19 Protection Fund: Judy Drabicki.

20 As a member of the Great Lakes

21 Protection Fund Board of Directors: Jill Spisiak

22 Jedlicka.

23 As members of the Board of Visitors

24 of the Home for Veterans and their Dependents at

25 Oxford: Lora Rowe; Joseph W. Coe; and Sophie

1 Liberatore.

2 As a member of the Justice Center
3 Advisory Council: Veronica Crawford.

4 As members of the Board of Visitors
5 of the Kirby Forensic Psychiatric Center:
6 Denise Hodges and Romy Rousseau.

7 As a member of the Lake George Park
8 Commission: Kathryn Muncil.

9 As members of the Metropolitan
10 Transportation Authority: Harold Porr III;
11 David S. Mack; Frank Borelli; Isabel Midori
12 Valdivia Espino; Blanca Lopez; Lisa Sorin;
13 Frankie Miranda; Sherif Soliman; and Samuel Chu.

14 As a member of the Minority Health
15 Council: Luis Freddy Molano.

16 As a member of the Board of Visitors
17 of the New York City Children's Center:
18 Marcia E. Alkins.

19 As a member of the New York State
20 Gaming Commission: Marissa J. Shorenstein.

21 As member and chair of the New York
22 State Gaming Commission: Brian O'Dwyer.

23 As members of the Board of Visitors
24 of the New York State Home for Veterans and their
25 Dependents at Montrose: Susan P. Heyel and

1 Chester B. Edwards II.

2 As a member of the Niagara Frontier
3 State Park, Recreation and Historic Preservation
4 Commission: Samika Sullivan.

5 As member and chair of the
6 Niagara Frontier Transportation Authority:
7 Michael Hughes.

8 As a commissioner of the Ohio River
9 Valley Water Sanitation Commission:
10 Douglas E. Conroe.

11 As member and chair of the Olympic
12 Regional Development Authority: Joseph Martens.

13 As board members of the
14 Palisades Interstate Park Commission:
15 David H. Mortimer and D. Bryce O'Brien II.

16 As members of the Port of Oswego
17 Authority: Stanley Delia, Kathleen Macey and
18 Diane Zeller.

19 As a member of the Public Health and
20 Health Planning Council: Denise Soffel, Ph.D.

21 As a member of the Rochester-Genesee
22 Regional Transportation Authority:
23 Laurie Oltramari.

24 As a member of the Board of Visitors
25 of the Rockland Children's Psychiatric Center:

1 Susan Albamont.

2 As a member of the Board of Visitors
3 of the Rockland Psychiatric Center: Gerry
4 Trautz.

5 As a board member of the
6 Roosevelt Island Operating Corporation:
7 Fay Christian.

8 As board members of the
9 Saratoga-Capital District State Park, Recreation
10 and Historic Preservation Commission:
11 Eleanor Mullaney; Heather Mabee; and
12 Raul Aguirre.

13 As a commissioner of the State
14 Insurance Fund: Kenneth R. Theobalds.

15 As a commissioner of the
16 State Liquor Authority: Lily Fan.

17 As members of the Taconic State
18 Park, Recreation and Historic Preservation
19 Commission: Edgar Masters and Linda B.
20 Tarrant-Reid.

21 As a board member of the
22 Thousand Islands State Park, Recreation and
23 Historic Preservation Commission:
24 Michael Chavoustie.

25 As directors of the

1 Urban Development Corporation: John Wang and
2 Robert M. Simpson.

3 As director and chair of the
4 Urban Development Corporation: Kevin Law.

5 As members of the Veterans' Services
6 Commission: Kenneth Rosenblum; Diana Lynn
7 Patton; John Paddock, Jr.; Tanya Nelson-Waller;
8 and Lynn M. Magistrale.

9 And as a member of the Board of
10 Visitors of the Western New York Children's
11 Psychiatric Center: Priti S. Bangia.

12 ACTING PRESIDENT BAILEY: Senator
13 Krueger.

14 SENATOR KRUEGER: Mr. President.
15 All right, it's 12:15 at night. So it's a very
16 long list, as we all just heard. It's a very
17 broad diversity of people being nominated to
18 serve on endless numbers of boards and
19 authorities.

20 These are citizens of the State of
21 New York who are willing to contribute their time
22 and talent, basically gratis to us, because they
23 believe in our state and what we are trying to
24 do. And in a world where sometimes it is
25 difficult to find people willing and able to take

1 on serious responsibilities from a volunteer
2 perspective, I think that Governor Hochul has
3 found an extraordinary mix of people to serve.

4 Some are not new to these
5 positions -- they're being re-upped after
6 previous times serving in these positions -- and
7 many of them are new. They probably come from
8 almost every district we have in our state. And
9 I am very appreciative of my colleagues who
10 chaired the overlapping committees and the
11 members of the Finance Committee for being
12 willing to sometimes drop everything on very
13 short notice to have extra virtual meetings and
14 interviews with these candidates.

15 And given the late hour, again, I am
16 asking all members to please vote and support
17 these people. But of course if individuals wish
18 to not vote for any one or a group of people on
19 these lists, they can let you know at the dais.

20 So thank you very much,
21 Mr. President.

22 ACTING PRESIDENT BAILEY: Senator
23 Kennedy on the nominations.

24 SENATOR KENNEDY: Thank you,
25 Mr. President. It's a late hour; I will be

1 brief. But it's very important I recognize a
2 couple of folks.

3 First of all, I want to recognize
4 and congratulate the Governor for choosing such
5 an auspicious group of appointees.

6 I want to thank Majority Leader
7 Stewart-Cousins for bringing them to the floor
8 tonight. Of course the great chair of the
9 Finance Committee, Liz Krueger, for her efforts
10 in moving them through the process. My colleague
11 from the Corporations and Authorities Committee
12 that worked with me, as the chair of
13 Transportation, on all of the MTA appointments
14 that are moving through.

15 There's a couple of folks -- I want
16 to recognize the chair of the Gaming Commission,
17 who has been an extraordinary leader on the
18 national and international level, who I've gotten
19 to know over the years, Brian O'Dwyer.

20 He is going to serve this great
21 state very well as the chair of that commission.
22 A man of honor, a man of integrity, a man of
23 fairness, and someone I think that we will all be
24 able to work with very well.

25 As well as the NFTA commissioner and

1 chairman, Mike Hughes, who I've known for
2 decades. And Mike Hughes is going to play a
3 prominent role in ensuring that the NFTA in
4 Western New York, our public transportation
5 system, functions to the highest level possible
6 for the residents of our community.

7 He is the son of Larry Hughes, who
8 drove a bus for many years. He understands
9 firsthand the importance of public
10 transportation, its impact on our community, the
11 ridership and the workforce.

12 He is an extraordinary leader in the
13 private sector as well as the public sector, and
14 he will make an extraordinary leader as chair of
15 the NFTA.

16 With that, Mr. President, I vote
17 aye.

18 ACTING PRESIDENT BAILEY: Are there
19 any other Senators wishing to be heard on the
20 nominations?

21 Seeing and hearing none, the
22 question is on the nominations set before us.
23 All those in favor signify by saying aye.

24 (Response of "Aye.")

25 ACTING PRESIDENT BAILEY: Opposed,

1 nay.

2 (No response.)

3 ACTING PRESIDENT BAILEY: The
4 nominations are confirmed.

5 Congratulations to the nominees.

6 Senator Gianaris.

7 SENATOR GIANARIS: Mr. President,
8 can we remove the lay-aside on Calendar 1682 and
9 take that bill up, please.

10 ACTING PRESIDENT BAILEY: Remove
11 the lay-aside, and the Secretary will read.

12 THE SECRETARY: Calendar Number
13 1682, Senate Print 8832, by Senator Boyle, an act
14 authorizing the Town of Islip, County of Suffolk,
15 to transfer funds from the Kismet Street
16 Improvement District.

17 ACTING PRESIDENT BAILEY: There is
18 a home-rule message at the desk.

19 Read the last section.

20 THE SECRETARY: Section 2. This
21 act shall take effect immediately.

22 ACTING PRESIDENT BAILEY: Call the
23 roll.

24 (The Secretary called the roll.)

25 ACTING PRESIDENT BAILEY: Announce

1 the results.

2 THE SECRETARY: In relation to
3 Calendar Number 1682, voting in the negative:
4 Senator Skoufis.

5 Ayes, 62. Nays, 1.

6 ACTING PRESIDENT BAILEY: The bill
7 is passed.

8 Senator Gianaris.

9 SENATOR GIANARIS: Can we now take
10 up the supplemental calendar.

11 ACTING PRESIDENT BAILEY: The
12 Secretary will read.

13 (Pause.)

14 SENATOR GIANARIS: Mr. President,
15 we have some substitutions from the Assembly.
16 Can we return to that part of the agenda and take
17 those up, please.

18 ACTING PRESIDENT BAILEY: Return to
19 the substitutions.

20 THE SECRETARY: Senator May moves
21 to discharge, from the Committee on Finance,
22 Assembly Bill Number 5735C and substitute it for
23 the identical Senate Bill 922C, Third Reading
24 Calendar 1862.

25 Senator Brooks moves to discharge,

1 from the Committee on Health, Assembly Bill
2 Number 6551B and substitute it for the identical
3 Senate Bill 2238B, Third Reading Calendar 1887.

4 Senator Reichlin-Melnick moves to
5 discharge, from the Committee on Local
6 Government, Assembly Bill Number 3491B and
7 substitute it for the identical Senate Bill
8 5946B, Third Reading Calendar 1890.

9 Senator Rivera moves to discharge,
10 from the Committee on Housing, Construction and
11 Community Development, Assembly Bill Number 7053A
12 and substitute it for the identical Senate Bill
13 6895A, Third Reading Calendar 1895.

14 Senator Palumbo moves to discharge,
15 from the Committee on Local Government,
16 Assembly Bill Number 9158 and substitute it for
17 the identical Senate Bill 8025, Third Reading
18 Calendar 1897.

19 Senator Mattera moves to discharge,
20 from the Committee on Local Government,
21 Assembly Bill Number 9335B and substitute it for
22 the identical Senate Bill 8048B, Third Reading
23 Calendar 1898.

24 Senator Rivera moves to discharge,
25 from the Committee on Crime Victims, Crime and

1 Correction, Assembly Bill Number 9273 and
2 substitute it for the identical Senate Bill 8216,
3 Third Reading Calendar 1899.

4 Senator Mannion moves to discharge,
5 from the Committee on Local Government,
6 Assembly Bill Number 5987C and substitute it for
7 the identical Senate Bill 8268C, Third Reading
8 Calendar 1900.

9 Senator Brooks moves to discharge,
10 from the Committee on Local Government,
11 Assembly Bill Number 10002A and substitute it for
12 the identical Senate Bill 8541A, Third Reading
13 Calendar 1902.

14 Senator Gounardes moves to
15 discharge, from the Committee on Civil Service
16 and Pensions, Assembly Bill Number 4607B and
17 substitute it for the identical Senate Bill
18 8558A, Third Reading Calendar 1903.

19 Senator Hinchey moves to discharge,
20 from the Committee on Finance, Assembly Bill
21 Number 9328A and substitute it for the identical
22 Senate Bill 8889A, Third Reading Calendar 1905.

23 Senator Breslin moves to discharge,
24 from the Committee on Investigations and
25 Government Operations, Assembly Bill Number

1 10225A and substitute it for the identical
2 Senate Bill 8987A, Third Reading Calendar 1906.

3 Senator Kaplan moves to discharge,
4 from the Committee on Investigations and
5 Government Operations, Assembly Bill Number 10176
6 and substitute it for the identical Senate Bill
7 9049, Third Reading Calendar 1907.

8 Senator Stec moves to discharge,
9 from the Committee on Civil Service and Pensions,
10 Assembly Bill Number 10231 and substitute it for
11 the identical Senate Bill 9141, Third Reading
12 Calendar 1913.

13 Senator Parker moves to discharge,
14 from the Committee on Environmental Conservation,
15 Assembly Bill Number 7389C and substitute it for
16 the identical Senate Bill 6486D, Third Reading
17 Calendar 1923.

18 Senator Kennedy moves to discharge,
19 from the Committee on Consumer Protection,
20 Assembly Bill Number 9343B and substitute it for
21 the identical Senate Bill 8530C, Third Reading
22 Calendar 1924.

23 Senator Comrie moves to discharge,
24 from the Committee on Insurance, Assembly Bill
25 Number 4535A and substitute it for the identical

1 Senate Bill 4155, Third Reading Calendar 1926.

2 ACTING PRESIDENT BAILEY: So
3 ordered.

4 SENATOR GIANARIS: Please take up
5 the supplemental calendar now, Mr. President.

6 ACTING PRESIDENT BAILEY: The
7 Secretary will read.

8 THE SECRETARY: Calendar Number
9 929, Senate Print 8343, by Senator Sanders, an
10 act in relation to establishing the New York
11 State Cryptocurrency and Blockchain Study
12 Task Force.

13 ACTING PRESIDENT BAILEY: Read the
14 last section.

15 THE SECRETARY: Section 2. This
16 act shall take effect immediately.

17 ACTING PRESIDENT BAILEY: Call the
18 roll.

19 (The Secretary called the roll.)

20 ACTING PRESIDENT BAILEY: Announce
21 the results.

22 THE SECRETARY: In relation to
23 Calendar Number 929, voting in the negative:
24 Senators Akshar and Brisport.

25 Ayes, 61. Nays, 2.

1 ACTING PRESIDENT BAILEY: The bill
2 is passed.

3 THE SECRETARY: Calendar Number
4 1189, Senate Print 5535, by Senator Comrie, an
5 act to amend the Not-For-Profit Corporation Law.

6 ACTING PRESIDENT BAILEY: Read the
7 last section.

8 THE SECRETARY: Section 7. This
9 act shall take effect on the 90th day after it
10 shall have become a law.

11 ACTING PRESIDENT BAILEY: Call the
12 roll.

13 (The Secretary called the roll.)

14 ACTING PRESIDENT BAILEY: Announce
15 the results.

16 THE SECRETARY: In relation to
17 Calendar 1189, voting in the negative are
18 Senators Felder and Skoufis.

19 Ayes, 61. Nays, 2.

20 ACTING PRESIDENT BAILEY: The bill
21 is passed.

22 THE SECRETARY: Calendar Number
23 1862, Assembly Print Number 5735C, by
24 Assemblymember Joyner, an act to amend the
25 Education Law.

1 ACTING PRESIDENT BAILEY: Read the
2 last section.

3 THE SECRETARY: Section 4. This
4 act shall take effect on the first of July.

5 ACTING PRESIDENT BAILEY: Call the
6 roll.

7 (The Secretary called the roll.)

8 ACTING PRESIDENT BAILEY: Senator
9 May to explain her vote.

10 SENATOR MAY: Thank you,
11 Mr. President. I'm just making sure. This is
12 Calendar 1862, correct?

13 ACTING PRESIDENT BAILEY: Yes, it
14 is, Senator May.

15 SENATOR MAY: All right, thank you.

16 Dr. Martin Luther King School in
17 Syracuse, in one of the most racially segregated
18 and economically disadvantaged zip codes in the
19 country, sits within 100 feet of Interstate 81.
20 Eighteen-wheelers speed by just overhead, along
21 with giant dump trucks carrying garbage from
22 New York City to the Seneca Meadows Landfill to
23 the west.

24 It's an environmental and social
25 justice calamity, causing high rates of asthma,

1 distracting noise levels, and hazardous
2 conditions. And it sends a message that we as a
3 society don't really value these kids or their
4 education.

5 The SIGH Act, which stands for
6 Schools Impacted by Gross Highways, prohibits
7 construction of new schools within 500 feet of
8 major roadways, with some necessary exceptions.

9 This Legislature has taken many
10 actions in recent years to assure a sound basic
11 education to all schools, and this is one more
12 step to affirming that essential duty given to us
13 by the State Constitution.

14 I want to thank Lanessa Chaplin of
15 the New York Civil Liberties Union for her
16 relentless advocacy for this bill, and
17 Dan Ranellone and Amanda Godkin for their legal
18 assistance from the central staff, and of course
19 Majority Leader Andrea Stewart-Cousins, who
20 recognized the need and moved this bill along.

21 So I thank my colleagues for
22 supporting it, and I vote aye.

23 ACTING PRESIDENT BAILEY: Senator
24 May to be recorded in the affirmative.

25 Announce the results.

1 THE SECRETARY: In relation to
2 Calendar 1862, those Senators voting in the
3 negative are Senators Akshar, Borrello, Boyle,
4 Gallivan, Griffo, Helming, Jordan, Lanza,
5 Martucci, Mattera, Oberacker, O'Mara, Ortt,
6 Palumbo, Rath, Serino, Stec, Tedisco and Weik.

7 Ayes, 44. Nays, 19.

8 ACTING PRESIDENT BAILEY: The bill
9 is passed.

10 THE SECRETARY: Calendar Number
11 1887, Assembly Print Number 6551B, by
12 Assemblymember Solages, an act to amend the
13 Public Health Law.

14 ACTING PRESIDENT BAILEY: Read the
15 last section.

16 THE SECRETARY: Section 2. This
17 act shall take effect on the 90th day after it
18 shall have become a law.

19 ACTING PRESIDENT BAILEY: Call the
20 roll.

21 (The Secretary called the roll.)

22 ACTING PRESIDENT BAILEY: Announce
23 the results.

24 THE SECRETARY: Ayes, 63.

25 ACTING PRESIDENT BAILEY: The bill

1 is passed.

2 THE SECRETARY: Calendar Number
3 1888, Senate Print 4594B, by Senator May, an act
4 to amend the Real Property Actions and
5 Proceedings Law.

6 ACTING PRESIDENT BAILEY: Read the
7 last section.

8 THE SECRETARY: Section 7. This
9 act shall take effect on the 180th day after it
10 shall have become a law.

11 ACTING PRESIDENT BAILEY: Call the
12 roll.

13 (The Secretary called the roll.)

14 ACTING PRESIDENT BAILEY: Senator
15 May to explain her vote.

16 SENATOR MAY: Thank you again,
17 Mr. President.

18 Tenants in my district have told us
19 some true horror stories -- squirrels chewing
20 through the ceiling and getting into their
21 kitchen cabinets and eating their food. An
22 apartment without heat where one family used the
23 stove to heat the apartment and caused a fire,
24 and the landlord blithely rented the apartment to
25 new tenants without fixing the heat or the fire

1 damage. A third apartment with massive black
2 mold spreading from a sewage leak in the
3 basement.

4 Tenants are often afraid to report
5 unsafe conditions like these for fear of
6 retaliation from their landlords. This bill
7 gives them a safe and simple way to get a court
8 order to fix such problems or allow them to
9 withhold rent without risking eviction. It will
10 improve lives and improve the housing stock in
11 communities around the state.

12 I'm very grateful to the members of
13 the Syracuse Tenants Union, particularly
14 Mary Traynor and Palmer Harvey; to Steven Koch of
15 the Senate staff; and again to our
16 Majority Leader, Andrea Stewart-Cousins, for
17 recognizing the urgent need to address these
18 issues for tenants all across the state.

19 I vote aye.

20 ACTING PRESIDENT BAILEY: Senator
21 May to be recorded in the affirmative.

22 Announce the results.

23 THE SECRETARY: In relation to
24 Calendar 1888, those Senators voting in the
25 negative are Senators Borrello, Boyle, Felder,

1 Gallivan, Griffo, Helming, Jordan, Lanza,
2 Martucci, Mattera, Oberacker, O'Mara, Palumbo,
3 Rath, Ritchie, Serino, Stec, Tedisco and Weik.

4 Ayes, 44. Nays, 19.

5 ACTING PRESIDENT BAILEY: The bill
6 is passed.

7 THE SECRETARY: Calendar Number
8 1889, Senate Print 5265, by Senator Savino, an
9 act to amend the Penal Law.

10 ACTING PRESIDENT BAILEY: Read the
11 last section.

12 THE SECRETARY: Section 6. This
13 act shall take effect on the 60th day after it
14 shall have become a law.

15 ACTING PRESIDENT BAILEY: Call the
16 roll.

17 (The Secretary called the roll.)

18 ACTING PRESIDENT BAILEY: Announce
19 the results.

20 THE SECRETARY: In relation to
21 Calendar 1889, voting in the negative are
22 Senators Brisport and Salazar.

23 Ayes, 61. Nays, 2.

24 ACTING PRESIDENT BAILEY: The bill
25 is passed.

1 THE SECRETARY: Calendar Number
2 1890, Assembly Print Number 3491B, by
3 Assemblymember Galef, an act to amend the
4 Real Property Tax Law.

5 ACTING PRESIDENT BAILEY: Read the
6 last section.

7 SENATOR LANZA: Lay it aside.

8 ACTING PRESIDENT BAILEY: Lay the
9 bill aside.

10 THE SECRETARY: Calendar Number
11 1892, Senate Print 6541A, by Senator Rivera, an
12 act to amend the Public Health Law.

13 ACTING PRESIDENT BAILEY: Read the
14 last section.

15 THE SECRETARY: Section 10. This
16 act shall take effect immediately.

17 ACTING PRESIDENT BAILEY: Call the
18 roll.

19 (The Secretary called the roll.)

20 ACTING PRESIDENT BAILEY: Announce
21 the results.

22 THE SECRETARY: Ayes, 63.

23 ACTING PRESIDENT BAILEY: The bill
24 is passed.

25 THE SECRETARY: Calendar Number

1 1893, Senate Print 6680A, by Senator Savino, an
2 act to amend the Civil Rights Law.

3 ACTING PRESIDENT BAILEY: Read the
4 last section.

5 THE SECRETARY: Section 3. This
6 act shall take effect immediately.

7 ACTING PRESIDENT BAILEY: Call the
8 roll.

9 (The Secretary called the roll.)

10 ACTING PRESIDENT BAILEY: Announce
11 the results.

12 THE SECRETARY: Ayes, 63.

13 ACTING PRESIDENT BAILEY: The bill
14 is passed.

15 THE SECRETARY: Calendar Number
16 1894, Senate Print 6742, by Senator Ramos, an act
17 to amend the Alcoholic Beverage Control Law.

18 ACTING PRESIDENT BAILEY: Read the
19 last section.

20 THE SECRETARY: Section 5. This
21 act shall take effect immediately.

22 ACTING PRESIDENT BAILEY: Call the
23 roll.

24 (The Secretary called the roll.)

25 ACTING PRESIDENT BAILEY: Announce

1 the results.

2 THE SECRETARY: Ayes, 63.

3 ACTING PRESIDENT BAILEY: The bill
4 is passed.

5 THE SECRETARY: Calendar Number
6 1895, Assembly Print Number 7053A, by
7 Assemblymember Burgos, an act to amend the
8 Public Housing Law.

9 ACTING PRESIDENT BAILEY: Read the
10 last section.

11 THE SECRETARY: Section 2. This
12 act shall take effect immediately.

13 ACTING PRESIDENT BAILEY: Call the
14 roll.

15 (The Secretary called the roll.)

16 ACTING PRESIDENT BAILEY: Senator
17 Rivera to explain his vote.

18 SENATOR RIVERA: Thank you,
19 Mr. President.

20 As we've been talking in the last
21 couple of days about redemption, and we were
22 talking about the fact that we should not be
23 defined by the worst thing that we've ever done,
24 this bill goes along with that mentality. It
25 basically says that it changes the rules for

1 folks who have -- who are formally incarcerated
2 and whether they can reside in public housing.

3 It is true that once, as we've
4 talked about before, if someone has committed a
5 mistake but they have paid their dues, they have
6 accepted responsibility, and we want to make sure
7 that they have some level of stability as they
8 come back into society, we want to make sure that
9 they have a place to live, that they have a place
10 to work. Those that want to do those things, we
11 want to make sure that they have the ability to
12 do that.

13 So in this case, changing this --
14 passing this bill today, hopefully signing it
15 into law, would make certain that those folks
16 have the opportunity to reside in public housing,
17 which means that they'll have an opportunity to
18 stand on their own two feet and come back into
19 society and be productive members of it.

20 So I'm glad that it got brought onto
21 the floor, and I vote in the affirmative.

22 Thank you, Mr. President.

23 ACTING PRESIDENT BAILEY: Senator
24 Rivera to be recorded in the affirmative.

25 Announce the results.

1 THE SECRETARY: In relation to
2 Calendar 1895, those Senators voting in the
3 negative are Senators Akshar, Borrello, Boyle,
4 Griffo, Helming, Jordan, Martucci, Mattera,
5 Oberacker, O'Mara, Ortt, Palumbo, Rath, Ritchie,
6 Serino, Stec, Tedisco and Weik.

7 Ayes, 45. Nays, 18.

8 ACTING PRESIDENT BAILEY: The bill
9 is passed.

10 THE SECRETARY: Calendar Number
11 1897, Assembly Print Number 9158, by
12 Assemblymember Thiele, an act to repeal
13 Sections 2, 3, 4 and 5 of Chapter 330 of the
14 Laws of 2011.

15 ACTING PRESIDENT BAILEY: Read the
16 last section.

17 THE SECRETARY: Section 2. This
18 act shall take effect immediately.

19 ACTING PRESIDENT BAILEY: Call the
20 roll.

21 (The Secretary called the roll.)

22 ACTING PRESIDENT BAILEY: Announce
23 the results.

24 THE SECRETARY: In relation to
25 Calendar 1897, voting in the negative are

1 Senators Mannion, Reichlin-Melnick and Skoufis.

2 Ayes, 60. Nays, 3.

3 ACTING PRESIDENT BAILEY: The bill
4 is passed.

5 THE SECRETARY: Calendar Number
6 1898, Assembly Print Number 9335B, by
7 Assemblymember Fitzpatrick, an act authorizing
8 the County of Suffolk and the Town of Smithtown,
9 located in the County of Suffolk, to exchange
10 certain parklands.

11 ACTING PRESIDENT BAILEY: There is
12 a home-rule message at the desk.

13 Read the last section.

14 THE SECRETARY: Section 2. This
15 act shall take effect immediately.

16 ACTING PRESIDENT BAILEY: Call the
17 roll.

18 (The Secretary called the roll.)

19 ACTING PRESIDENT BAILEY: Announce
20 the results.

21 THE SECRETARY: Ayes, 63.

22 ACTING PRESIDENT BAILEY: The bill
23 is passed.

24 THE SECRETARY: Calendar Number
25 1899, Assembly Print Number 9273, by

1 Assemblymember Aubry, an act to amend the
2 Correction Law.

3 ACTING PRESIDENT BAILEY: Read the
4 last section.

5 THE SECRETARY: Section 2. This
6 act shall take effect immediately.

7 ACTING PRESIDENT BAILEY: Call the
8 roll.

9 (The Secretary called the roll.)

10 ACTING PRESIDENT BAILEY: Announce
11 the results.

12 THE SECRETARY: In relation to
13 Calendar 1899, those Senators voting in the
14 negative are Senators Borrello, Griffo, Jordan,
15 Lanza, Martucci, Oberacker, O'Mara, Ortt,
16 Palumbo, Rath, Ritchie, Serino, Stec, Tedisco and
17 Weik.

18 Ayes, 48. Nays, 15.

19 ACTING PRESIDENT BAILEY: The bill
20 is passed.

21 THE SECRETARY: Calendar Number
22 1900, Assembly Print Number 5987C, by
23 Assemblymember Stirpe, an act to amend the
24 Real Property Tax Law.

25 ACTING PRESIDENT BAILEY: Read the

1 last section.

2 THE SECRETARY: Section 2. This
3 act shall take effect immediately.

4 ACTING PRESIDENT BAILEY: Call the
5 roll.

6 (The Secretary called the roll.)

7 ACTING PRESIDENT BAILEY: Announce
8 the results.

9 THE SECRETARY: In relation to
10 Calendar Number 1900, voting in the negative:
11 Senator Helming.

12 Ayes, 62. Nays, 1.

13 ACTING PRESIDENT BAILEY: The bill
14 is passed.

15 THE SECRETARY: Calendar Number
16 1901, Senate Print 8449B, by Senator Sanders, an
17 act establishing a commission to determine what
18 benefits a public bank or network of public banks
19 owned by the State of New York or by a public
20 authority constituted by the State of New York
21 can provide.

22 SENATOR GIANARIS: Lay it aside for
23 the day, please.

24 ACTING PRESIDENT BAILEY: Lay it
25 aside for the day.

1 THE SECRETARY: Calendar Number
2 1902, Assembly Print Number 10002A, by
3 Assemblymember Darling, an act in relation to
4 authorizing the Village of Freeport, County of
5 Nassau, to alienate and discontinue the use of
6 certain parklands.

7 ACTING PRESIDENT BAILEY: There is
8 a home-rule message at the desk.

9 Read the last section.

10 THE SECRETARY: Section 2. This
11 act shall take effect immediately.

12 ACTING PRESIDENT BAILEY: Call the
13 roll.

14 (The Secretary called the roll.)

15 ACTING PRESIDENT BAILEY: Announce
16 the results.

17 THE SECRETARY: In relation to
18 Calendar 1902, voting in the negative are
19 Senators Brisport, Rivera, Salazar and Stavisky.

20 Ayes, 59. Nays, 4.

21 ACTING PRESIDENT BAILEY: The bill
22 is passed.

23 THE SECRETARY: Calendar Number
24 1903, Assembly Print Number 4607B, by
25 Assemblymember Abbate, an act to amend the

1 Retirement and Social Security Law.

2 ACTING PRESIDENT BAILEY: Read the
3 last section.

4 THE SECRETARY: Section 2. This
5 act shall take effect.

6 ACTING PRESIDENT BAILEY: Call the
7 roll.

8 (The Secretary called the roll.)

9 ACTING PRESIDENT BAILEY: Announce
10 the results.

11 THE SECRETARY: In relation to
12 Calendar Number 1903, voting in the negative:
13 Senator Brisport.

14 Ayes, 62. Nays, 1.

15 ACTING PRESIDENT BAILEY: The bill
16 is passed.

17 THE SECRETARY: Calendar Number
18 1904, Senate Print 8846, by Senator Ritchie, an
19 act to amend the Tax Law.

20 ACTING PRESIDENT BAILEY: There is
21 a home-rule message at the desk.

22 Read the last section.

23 THE SECRETARY: Section 2. This
24 act shall take effect immediately.

25 ACTING PRESIDENT BAILEY: Call the

1 roll.

2 (The Secretary called the roll.)

3 ACTING PRESIDENT BAILEY: Announce
4 the results.

5 THE SECRETARY: In relation to
6 Calendar 1904, voting in the negative are
7 Senators Brooks, Felder, Mannion and Skoufis.

8 Ayes, 59. Nays, 4.

9 ACTING PRESIDENT BAILEY: The bill
10 is passed.

11 THE SECRETARY: Calendar Number
12 1905, Assembly Print Number 9328B, by
13 Assemblymember Lupardo, an act to amend the
14 Public Authorities Law.

15 ACTING PRESIDENT BAILEY: Read the
16 last section.

17 THE SECRETARY: Section 3. This
18 act shall take effect on the 90th day after it
19 shall have become a law.

20 ACTING PRESIDENT BAILEY: Call the
21 roll.

22 (The Secretary called the roll.)

23 ACTING PRESIDENT BAILEY: Announce
24 the results.

25 THE SECRETARY: Ayes, 63.

1 ACTING PRESIDENT BAILEY: The bill
2 is passed.

3 THE SECRETARY: Calendar Number
4 1906, Assembly Print Number 10225A, by the
5 Assembly Committee on Rules, an act to authorize
6 the commissioner of the Office of General
7 Services to convey certain unappropriated state
8 land to KIPP.

9 ACTING PRESIDENT BAILEY: Read the
10 last section.

11 THE SECRETARY: Section 2. This
12 act shall take effect immediately.

13 ACTING PRESIDENT BAILEY: Call the
14 roll.

15 (The Secretary called the roll.)

16 ACTING PRESIDENT BAILEY: Announce
17 the results.

18 THE SECRETARY: In relation to
19 Calendar Number 1906, voting in the negative are
20 Senators Brisport, Mannion and Salazar.

21 Ayes, 60. Nays, 3.

22 ACTING PRESIDENT BAILEY: The bill
23 is passed.

24 THE SECRETARY: Calendar Number
25 1907, Assembly Print Number 10176, by the

1 Assembly Committee on Rules, an act to amend the
2 Alcoholic Beverage Control Law.

3 ACTING PRESIDENT BAILEY: Read the
4 last section.

5 THE SECRETARY: Section 2. This
6 act shall take effect immediately.

7 ACTING PRESIDENT BAILEY: Call the
8 roll.

9 (The Secretary called the roll.)

10 ACTING PRESIDENT BAILEY: Announce
11 the results.

12 THE SECRETARY: Ayes, 63.

13 ACTING PRESIDENT BAILEY: The bill
14 is passed.

15 THE SECRETARY: Calendar Number
16 1908, Senate Print Number 9059A, by
17 Senator Reichlin-Melnick, an act to amend the
18 Tax Law.

19 SENATOR GIANARIS: Lay the bill
20 aside for the day.

21 ACTING PRESIDENT BAILEY: Lay the
22 bill aside for the day.

23 THE SECRETARY: Calendar Number
24 1909, Senate Print 9083, by Senator Hinchey, an
25 act to amend Chapter 463 of the Laws of 2000.

1 ACTING PRESIDENT BAILEY: There is
2 a home-rule message at the desk.

3 Read the last section.

4 THE SECRETARY: Section 2. This
5 act shall take effect immediately.

6 ACTING PRESIDENT BAILEY: Call the
7 roll.

8 (The Secretary called the roll.)

9 ACTING PRESIDENT BAILEY: Announce
10 the results.

11 THE SECRETARY: Ayes, 63.

12 ACTING PRESIDENT BAILEY: The bill
13 is passed.

14 THE SECRETARY: Calendar Number
15 1910, Senate Print 9085, by Senator Savino, an
16 act to amend the General Municipal Law.

17 ACTING PRESIDENT BAILEY: Read the
18 last section.

19 THE SECRETARY: Section 2. This
20 act shall take effect immediately.

21 ACTING PRESIDENT BAILEY: Call the
22 roll.

23 (The Secretary called the roll.)

24 ACTING PRESIDENT BAILEY: Senator
25 Savino to explain her vote.

1 SENATOR SAVINO: Thank you,
2 Mr. President.

3 I rise in support of this piece of
4 legislation, which is a long overdue amendment to
5 our state's Civil Service and Pension Law as it
6 refers to local police and fire departments.

7 As you know, most young men and
8 women who join the police department start early.
9 Many of them go on to get married and they have
10 families and they have children. And if they are
11 unfortunate enough to die in the line of duty,
12 their death benefits are -- they go on to their
13 family, to their children, to their wives. And
14 those wives and children receive the full death
15 benefit.

16 But for those who are not married
17 and don't have children, their beneficiaries,
18 which are oftentimes their parents, only get
19 50 percent of their death benefit.

20 This bill corrects that and allows
21 surviving parents to be able to collect the full
22 line of duty death benefit that a surviving
23 spouse or children would get, if there are none.

24 And just recently we had three young
25 men who died early, two firefighters --

1 31-year-old Timothy Klein, from Senator Persaud's
2 district -- he died very suddenly after
3 responding to a fire. He was not married, he had
4 no children, but he had surviving parents.

5 Steven Pollard, just the year
6 before -- in fact, Timothy Klein delivered the
7 eulogy at Steven Pollard's funeral just the year
8 before.

9 And in January of this year, two
10 police officers were gunned down in
11 Senator Cleare's district. One of them was not
12 married. He was Police Officer Wilbert Mora,
13 27 years old, no wife, no children, but two
14 surviving parents.

15 This bill will see to it that their
16 parents will be able to collect the line of duty
17 death benefit that they're entitled to.

18 Thank you, Mr. President. I thank
19 my colleagues for supporting this measure.

20 ACTING PRESIDENT BAILEY: Senator
21 Savino to be recorded in the affirmative.

22 Announce the results.

23 THE SECRETARY: Ayes, 63.

24 ACTING PRESIDENT BAILEY: The bill
25 is passed.

1 THE SECRETARY: Calendar Number
2 1911, Senate Print 9086, by Senator Mannion, an
3 act relating to assessing the staffing and other
4 issues causing the continued displacement of
5 individuals with developmental disabilities.

6 ACTING PRESIDENT BAILEY: Read the
7 last section.

8 THE SECRETARY: Section 4. This
9 act shall take effect immediately.

10 ACTING PRESIDENT BAILEY: Call the
11 roll.

12 (The Secretary called the roll.)

13 ACTING PRESIDENT BAILEY: Announce
14 the results.

15 THE SECRETARY: Ayes, 63.

16 ACTING PRESIDENT BAILEY: The bill
17 is passed.

18 THE SECRETARY: Calendar Number
19 1912, Senate Print 9119, by Senator Gounardes, an
20 act to amend the Retirement and Social Security
21 Law.

22 ACTING PRESIDENT BAILEY: Read the
23 last section.

24 THE SECRETARY: Section 13. This
25 act shall take effect immediately.

1 ACTING PRESIDENT BAILEY: Call the
2 roll.

3 (The Secretary called the roll.)

4 ACTING PRESIDENT BAILEY: Announce
5 the results.

6 THE SECRETARY: In relation to
7 Calendar Number 1912, voting in the negative:
8 Senator Borrello.

9 Ayes, 62. Nays, 1.

10 ACTING PRESIDENT BAILEY: The bill
11 is passed.

12 THE SECRETARY: Calendar Number
13 1913, Assembly Print Number 10231, by the
14 Assembly Committee on Rules, an act to authorize
15 the County of Clinton to offer an optional
16 25-year retirement plan to certain deputy
17 sheriffs.

18 ACTING PRESIDENT BAILEY: There is
19 a home-rule message at the desk.

20 Read the last section.

21 THE SECRETARY: Section 2. This
22 act shall take effect immediately.

23 ACTING PRESIDENT BAILEY: Call the
24 roll.

25 (The Secretary called the roll.)

1 ACTING PRESIDENT BAILEY: Announce
2 the results.

3 THE SECRETARY: In relation to
4 Calendar Number 1913, voting in the negative:
5 Senator Brisport.

6 Ayes, 62. Nays, 1.

7 ACTING PRESIDENT BAILEY: The bill
8 is passed.

9 THE SECRETARY: Calendar Number
10 1914, Senate Print 9149, by Senator Gounardes, an
11 act to amend the Workers' Compensation Law.

12 ACTING PRESIDENT BAILEY: Read the
13 last section.

14 THE SECRETARY: Section 4. This
15 act shall take effect immediately.

16 ACTING PRESIDENT BAILEY: Call the
17 roll.

18 (The Secretary called the roll.)

19 ACTING PRESIDENT BAILEY: Announce
20 the results.

21 THE SECRETARY: In relation to
22 Calendar 1914, those Senators voting in the
23 negative are Senators Jordan, Oberacker, O'Mara,
24 Ortt and Tedisco.

25 Ayes, 58. Nays, 5.

1 ACTING PRESIDENT BAILEY: The bill
2 is passed.

3 THE SECRETARY: Calendar Number
4 1915, Senate Print 9349, by Senator Myrie, an act
5 to amend the Facilities Development Corporation
6 Act.

7 ACTING PRESIDENT BAILEY: Read the
8 last section.

9 THE SECRETARY: Section 2. This
10 act shall take effect immediately.

11 ACTING PRESIDENT BAILEY: Call the
12 roll.

13 (The Secretary called the roll.)

14 ACTING PRESIDENT BAILEY: Announce
15 the results.

16 THE SECRETARY: Ayes, 63.

17 ACTING PRESIDENT BAILEY: The bill
18 is passed.

19 THE SECRETARY: Calendar Number
20 1916, Senate Print 9352, by Senator Lanza, an act
21 to amend the Environmental Conservation Law.

22 ACTING PRESIDENT BAILEY: Read the
23 last section.

24 THE SECRETARY: Section 3. This
25 act shall take effect immediately.

1 ACTING PRESIDENT BAILEY: Call the
2 roll.

3 (The Secretary called the roll.)

4 ACTING PRESIDENT BAILEY: Announce
5 the results.

6 THE SECRETARY: Ayes, 63.

7 ACTING PRESIDENT BAILEY: The bill
8 is passed.

9 THE SECRETARY: Calendar Number
10 1918, Senate Print 9448, by Senator Brouk, an act
11 to amend the Education Law.

12 ACTING PRESIDENT BAILEY: Read the
13 last section.

14 THE SECRETARY: Section 2. This
15 act shall take effect on the 90th day after it
16 shall have become a law.

17 ACTING PRESIDENT BAILEY: Call the
18 roll.

19 (The Secretary called the roll.)

20 ACTING PRESIDENT BAILEY: Announce
21 the results.

22 THE SECRETARY: Ayes, 63.

23 ACTING PRESIDENT BAILEY: The bill
24 is passed.

25 THE SECRETARY: Calendar Number

1 1919, Senate Print 9469, by Senator Hinchey, an
2 act to amend the Public Service Law.

3 SENATOR GIANARIS: Lay it aside for
4 the day.

5 ACTING PRESIDENT BAILEY: Lay the
6 bill aside for the day.

7 THE SECRETARY: Calendar Number
8 1920, Senate Print 9471, by Senator Kavanagh, an
9 act to amend the Real Property Tax Law.

10 SENATOR GIANARIS: Lay it aside for
11 the day.

12 ACTING PRESIDENT BAILEY: Lay the
13 bill aside for the day.

14 THE SECRETARY: Calendar Number
15 1921, Senate Print 9478, by Senator Jackson, an
16 act to amend the Civil Service Law and the
17 State Finance Law.

18 SENATOR GIANARIS: Mr. President,
19 is there a message of necessity at the desk?

20 ACTING PRESIDENT BAILEY: There is
21 a message of necessity at the desk.

22 SENATOR GIANARIS: Move to accept
23 the message of necessity.

24 ACTING PRESIDENT BAILEY: All those
25 in favor of accepting the message of necessity,

1 please signify by saying aye.

2 (Response of "Aye.")

3 ACTING PRESIDENT BAILEY: Opposed,
4 nay.

5 (Response of "Nay.")

6 ACTING PRESIDENT BAILEY: The
7 message is accepted.

8 Read the last section.

9 THE SECRETARY: Section 28. This
10 act shall take effect immediately.

11 ACTING PRESIDENT BAILEY: Call the
12 roll.

13 (The Secretary called the roll.)

14 ACTING PRESIDENT BAILEY: Senator
15 Gaughran to explain his vote.

16 SENATOR GAUGHRAN: Thank you,
17 Mr. President.

18 And so I guess the last time I will
19 speak on this Senate floor, I wanted to rise to
20 pay tribute to the great civil servants of this
21 state.

22 And this bill, I want to thank our
23 leader for bringing it to the floor, and all the
24 great leadership she has given us. I want to
25 thank the sponsor, Senator Jackson, for bringing

1 it forward.

2 And this recognizes a collective
3 bargaining agreement that has been brought
4 together by all the parties. But I think it
5 speaks in a broader term, because the four years
6 I've been in this Senate, we passed a lot of
7 great bills, we do a lot of great things, but
8 it's the men and women who work hard, whether
9 they are civil servants, whether they are the
10 staff of this great Senate -- no matter what they
11 do, they make us look great and they make our
12 state look great.

13 I vote in the affirmative.

14 ACTING PRESIDENT BAILEY: Senator
15 Gaughran to be recorded in the affirmative.

16 (Sustained applause.)

17 ACTING PRESIDENT BAILEY: Thank
18 you, Senator Gaughran.

19 Announce the results.

20 THE SECRETARY: Ayes, 63.

21 ACTING PRESIDENT BAILEY: The bill
22 is passed.

23 THE SECRETARY: Calendar Number
24 1922, Senate Print 74A, by Senator Hoylman, an
25 act to amend the Estates, Powers and Trusts Law.

1 SENATOR LANZA: Lay it aside.

2 ACTING PRESIDENT BAILEY: After
3 that, we lay it aside.

4 (Laughter.)

5 THE SECRETARY: Calendar Number
6 1923, Assembly Print Number 7389C, by the
7 Assembly Committee on Rules, an act to amend the
8 Environmental Conservation Law.

9 SENATOR LANZA: Lay it aside.

10 ACTING PRESIDENT BAILEY: Lay it
11 aside.

12 THE SECRETARY: Calendar Number
13 1924, Assembly Print Number 9343B, by
14 Assemblymember Magnarelli, an act to amend the
15 General Business Law.

16 ACTING PRESIDENT BAILEY: Read the
17 last section.

18 THE SECRETARY: Section 3. This
19 act shall take effect on the 60th day after it
20 shall have become a law.

21 ACTING PRESIDENT BAILEY: Call the
22 roll.

23 (The Secretary called the roll.)

24 ACTING PRESIDENT BAILEY: Senator
25 Kaminsky to explain his vote.

1 SENATOR KAMINSKY: Thank you,
2 Mr. President.

3 First I want to speak about this
4 particular bill. And, you know, as the author of
5 the CLCPA, I have tremendous respect for the
6 sponsor, the chair of the Energy Committee, and
7 what he's doing here.

8 I'm going to be voting in the
9 negative on this because I believe that we should
10 want to work with the industry to help make it
11 greener, but obviously I'm grateful for all the
12 efforts we've done to protect the environment
13 here.

14 I just want to take this last
15 moment, like our previous speaker did, to just
16 very briefly reflect. When I first came to
17 Legislature seven years ago, I did not have a
18 respect for the work that happened here. And
19 probably because I spent the last previous seven
20 years investigating it.

21 (Laughter.)

22 SENATOR KAMINSKY: So the first day
23 I walked in the Assembly, I actually shook hands
24 with three members who didn't know I had
25 investigated them. And they said, I'm so-and-so.

1 And in my head, I'm like, I've read your bank
2 accounts for like the last two years.

3 (Laughter.)

4 SENATOR KAMINSKY: And when I got
5 to the urinal the first time in the Assembly
6 bathroom, someone at the urinal next to me said,
7 "I have a crackling on my phone. Do you think
8 I'm being tapped?" And I said, "I just think you
9 need to change your provider."

10 It was a very weird conversation.

11 (Laughter.)

12 SENATOR KAMINSKY: But I have come
13 to have a healthy respect -- a tremendous respect
14 for the work that's done here.

15 First, just look where we are. Look
16 where we are. We're in the hallowed halls where
17 Roosevelts have walked and where New York has
18 paved the way, for generations, to do great
19 things and lead the way in America. And we have
20 worked together to solve some very important
21 problems.

22 I've gotten to help the families of
23 9/11 first responders, differently-abled
24 children, Sandy victims, and so many of our -- to
25 help so many of our neighbors. I was entrusted

1 the chair of the Environment Committee, got to
2 work on the CLCPA. But the most important thing
3 I'll remember are the friendships I've made here
4 and the hard work of the people that keep this
5 building going.

6 Thank you to Shontell Smith, to
7 Eric Katz, to Halie Meyers, my amazing chief of
8 staff -- you know, my favorite memory of Halie is
9 one day we got a tip from the previous Governor's
10 office that vaccine appointments were going to be
11 going online at 2 in the morning or 3 in the
12 morning, and you can tell your constituents when
13 they wake up they could get them.

14 Well, that wasn't good enough.
15 Halie got up at 2 in the morning, had a list of
16 about a hundred people over 80 years old that
17 needed them. And when they woke up in the
18 morning, they already had their appointments,
19 because that's the dedication that Halie and my
20 staff have for the people on Long Island and the
21 people of New York that we get to represent.

22 And most importantly, I got to be
23 here to play a small part, but to basically watch
24 Andrea Stewart-Cousins show the world what
25 leadership means, to ascend that rostrum and to

1 entrust us all to do the landmark legislation and
2 the groundbreaking things that we have done.

3 So I'm going to miss the
4 friendships. It's been the honor of my lifetime
5 to get to serve the people of New York State.
6 Please keep up the good work. And I'll be
7 watching, and I'll be voting. God bless.

8 Thank you.

9 (Standing ovation.)

10 ACTING PRESIDENT BAILEY: Announce
11 the results.

12 THE SECRETARY: In relation to
13 Calendar Number 1924, voting in the negative:
14 Senator Kaminsky.

15 Ayes, 62. Nays, 1.

16 ACTING PRESIDENT BAILEY: The bill
17 is passed.

18 THE SECRETARY: Calendar Number
19 1925, Senate Print 8850, by Senator Kavanagh, an
20 act to amend Chapter 56 of the Laws of 2021.

21 ACTING PRESIDENT BAILEY: Read the
22 last section.

23 SENATOR LANZA: Lay it aside.

24 ACTING PRESIDENT BAILEY: Lay it
25 aside.

1 THE SECRETARY: Calendar Number
2 1926, Assembly Print Number 4535A, by
3 Assemblymember Cook, an act to amend the
4 Insurance Law.

5 ACTING PRESIDENT BAILEY: Read the
6 last section.

7 THE SECRETARY: Section 2. This
8 act shall take effect immediately.

9 ACTING PRESIDENT BAILEY: Call the
10 roll.

11 (The Secretary called the roll.)

12 ACTING PRESIDENT BAILEY: Announce
13 the results.

14 (Pause.)

15 THE SECRETARY: Ayes, 63.

16 ACTING PRESIDENT BAILEY: The bill
17 is passed.

18 (Laughter.)

19 ACTING PRESIDENT BAILEY: Senator
20 Gianaris, that completes the reading of the
21 supplemental calendar.

22 SENATOR GIANARIS: Thank you,
23 Mr. President.

24 I understand a couple of the bills
25 we took up on this calendar passed the Assembly

1 first, so we need to take care of some
2 administrative work. So back to motions.

3 On behalf of Senator Comrie, I wish
4 to call up Senate Bill 5535, please.

5 ACTING PRESIDENT BAILEY: The
6 Secretary will read.

7 THE SECRETARY: Calendar Number
8 1189, Senate Print 5535, by Senator Comrie, an
9 act to amend the Not-For-Profit Corporation Law.

10 SENATOR GIANARIS: Move to
11 reconsider the vote by which the bill was passed
12 and ask that the bill be restored to the order of
13 third reading.

14 ACTING PRESIDENT BAILEY: Call the
15 roll on reconsideration.

16 (The Secretary called the roll.)

17 THE SECRETARY: Ayes, 63.

18 ACTING PRESIDENT BAILEY: The bill
19 is restored to its place on the Third Reading
20 Calendar.

21 SENATOR GIANARIS: I now move to
22 discharge, from the Committee on Rules,
23 Assembly Print 382 and substitute it for that
24 identical bill.

25 ACTING PRESIDENT BAILEY: I now

1 move that the substituted Assembly bill have its
2 third reading at this time.

3 THE SECRETARY: Calendar Number
4 1189, Assembly Number 382, by
5 Assemblymember Paulin, an act to amend the
6 Not-For-Profit Corporation Law.

7 ACTING PRESIDENT BAILEY: Read the
8 last section.

9 THE SECRETARY: Section 7. This
10 act shall take effect on the 90th day after it
11 shall have become a law.

12 ACTING PRESIDENT BAILEY: Call the
13 roll.

14 (The Secretary called the roll.)

15 ACTING PRESIDENT BAILEY: Announce
16 the results.

17 THE SECRETARY: In relation to
18 Calendar 1189, voting in the negative are
19 Senators Felder and Skoufis.

20 Ayes, 61. Nays, 2.

21 ACTING PRESIDENT BAILEY: The bill
22 is passed.

23 Senator Gianaris.

24 SENATOR GIANARIS: And,
25 Mr. President, on behalf of Senator Sanders, I

1 wish to call up Senate Print 8343, please.

2 ACTING PRESIDENT BAILEY: The
3 Secretary will read.

4 THE SECRETARY: Calendar Number
5 929, Senate Print 8343, by Senator Sanders, an
6 act in relation to establishing the New York
7 State Cryptocurrency and Blockchain Study Task
8 Force.

9 ACTING PRESIDENT BAILEY: Call the
10 roll on reconsideration.

11 (The Secretary called the roll.)

12 THE SECRETARY: Ayes, 63.

13 SENATOR GIANARIS: Thank you for
14 accepting my motion to reconsider the vote,
15 Mr. President. Is it now on third reading?

16 ACTING PRESIDENT BAILEY: Yes.

17 (Laughter.)

18 ACTING PRESIDENT BAILEY: The bill
19 is restored to its place on the Third Reading
20 Calendar.

21 SENATOR GIANARIS: Move to
22 discharge, from the Committee on Rules,
23 Assembly Print Number 9275 and substitute it for
24 the identical bill.

25 ACTING PRESIDENT BAILEY: I now

1 move that the substituted Assembly bill have its
2 third reading at this time.

3 THE SECRETARY: Calendar Number
4 929, Assembly Print Number 9275, by
5 Assemblymember Vanel, an act in relation to
6 establishing the New York State Cryptocurrency
7 and Blockchain Study Task Force.

8 ACTING PRESIDENT BAILEY: Read the
9 last section.

10 THE SECRETARY: Section 2. This
11 act shall take effect immediately.

12 ACTING PRESIDENT BAILEY: Call the
13 roll.

14 (The Secretary called the roll.)

15 ACTING PRESIDENT BAILEY: Announce
16 the results.

17 THE SECRETARY: In relation to
18 Calendar 929, those Senators voting in the
19 negative are Senators Akshar and Brisport.

20 Ayes, 61. Nays, 2.

21 ACTING PRESIDENT BAILEY: The bill
22 is passed.

23 Senator Gianaris.

24 SENATOR GIANARIS: Thank you, sir.

25 Let us take up the controversial

1 calendar now, please.

2 ACTING PRESIDENT BAILEY: The
3 Secretary will ring the bell.

4 The Secretary will read.

5 THE SECRETARY: Calendar Number
6 1890, Assembly Print Number 3491B, by
7 Assemblymember Galef, an act to amend the
8 Real Property Tax Law.

9 ACTING PRESIDENT BAILEY: Senator
10 Rath.

11 SENATOR RATH: Through you,
12 Mr. President, will the sponsor yield for some
13 questions.

14 ACTING PRESIDENT BAILEY: Will the
15 sponsor yield?

16 SENATOR REICHLIN-MELNICK: Yes, I'd
17 be glad to.

18 ACTING PRESIDENT BAILEY: The
19 sponsor yields.

20 SENATOR RATH: Thank you.

21 Senator Reichlin-Melnick, it is
22 late, it's almost 1 o'clock, I will keep my
23 questions brief. But they're important.

24 Through you, Mr. President, in a
25 market where housing stock is scarce, is the

1 sponsor concerned that altering the assessment
2 for condos and co-ops could jeopardize housing
3 availability in growing or developing areas?

4 SENATOR REICHLIN-MELNICK: Through
5 you, Mr. President, I am not especially concerned
6 because this is a bill that simply gives every
7 local government outside New York City and
8 Nassau County the option to change the way that
9 they value new -- after 2023 -- condo and co-op
10 construction.

11 So if a local government is
12 concerned about the limitation, they don't need
13 to participate in this methodology.

14 SENATOR RATH: Through you,
15 Mr. President, will the sponsor continue to
16 yield?

17 ACTING PRESIDENT BAILEY: Will the
18 sponsor yield?

19 (Pause.)

20 SENATOR REICHLIN-MELNICK: Yes, I'm
21 sorry. The hour is late. Through you,
22 Mr. President, yes.

23 ACTING PRESIDENT BAILEY: The
24 sponsor yields.

25 SENATOR RATH: Next question. What

1 certainty does a developer of a rental building
2 have that may be converting to a co-op or a condo
3 that the assessment methodology would not change
4 during the construction or permitting process?

5 SENATOR REICHLIN-MELNICK: Through
6 you, Mr. President. Again, this is a local
7 option. And so I would certainly encourage any
8 government considering -- that would consider
9 doing this to take that very seriously under
10 consideration.

11 The reason that I introduced this
12 legislation and that the Assembly has already
13 passed it on a nearly unanimous vote is because
14 the methodology that is currently used to assess
15 condos and co-ops is somewhat nonsensical. You
16 could have two single-family houses, essentially,
17 side by side, one of them part of a co-op
18 association, or a condo, and one that is not.
19 And the assessment on them would be very
20 different, and their property tax burden would be
21 very different.

22 An investigation by Syracuse.com was
23 locating several houses where they found, for
24 instance, the same houses, side by side, that
25 were assessed dramatically differently because

1 one of them was considered to be a condo and one
2 was not.

3 And so that's the point of this
4 bill, to give a local community that feels this
5 does not make sense, it is unfairly burdening
6 single-family homeowners with higher assessed
7 values, it would give them this opportunity to
8 change the way that they assess condos and
9 co-ops.

10 SENATOR RATH: Through you,
11 Mr. President, will the sponsor continue to
12 yield?

13 ACTING PRESIDENT BAILEY: Will the
14 sponsor yield?

15 SENATOR REICHLIN-MELNICK: Yes.

16 ACTING PRESIDENT BAILEY: The
17 sponsor yields.

18 SENATOR RATH: In many instances
19 condos and co-ops are attractive for mobile
20 residents -- who like to move back and forth --
21 seeking smaller footholds in New York.
22 Particularly, I know of many retirees who prefer
23 these type of living situations, given the
24 affordability and lesser space of the smaller
25 places where they'll live.

1 Is the sponsor concerned that the
2 higher taxes as a result of this measure will
3 dissuade these individuals from staying in
4 New York State?

5 SENATOR REICHLIN-MELNICK: Through
6 you, Mr. President, I think one of the reasons
7 this bill is necessary is because, contrary to
8 what many of us think of condos and co-ops
9 necessarily being smaller units, that is not the
10 case in many of these newer developments.

11 There are many situations where
12 there have been single -- what essentially are
13 developments of single-family houses. There's
14 one in my district on a golf course where there
15 are 12 luxury -- basically luxury mansions,
16 McMansions, whatever you want to call them, which
17 are considered to be a condo association and
18 taxed as if they were these smaller units, and
19 yet similar houses that are visually identical
20 from the street would pay a significantly lower
21 {sic} property tax.

22 And so this is essentially a
23 loophole which developers have been able to
24 exploit to build and market single-family houses
25 at a preferable tax rate, where existing

1 single-family homeowners in the community are
2 stuck paying a much higher rate.

3 And so this gives a community the
4 option -- not a requirement -- to address that
5 inequity.

6 SENATOR RATH: Through you,
7 Mr. President, will the sponsor continue to
8 yield.

9 ACTING PRESIDENT BAILEY: Will the
10 sponsor yield?

11 SENATOR REICHLIN-MELNICK: I will.

12 ACTING PRESIDENT BAILEY: The
13 sponsor yields.

14 SENATOR RATH: Last question. This
15 is a specific question.

16 Doesn't a condo with 100 units
17 provide a net tax benefit to a municipality,
18 versus 100 single-family homes which require more
19 municipal services?

20 SENATOR REICHLIN-MELNICK: Through
21 you, Mr. President. The point of this bill,
22 again, is that we are -- ought to be valuing
23 properties in our assessments based on the type
24 of property.

25 And so when you have -- you could

1 have an apartment building, as you said with
2 100 condo units, versus an apartment building
3 with 100 rental units, and the assessment would
4 be very different simply based on the type of
5 ownership, not the number of units, not the type
6 of, you know, a hundred single-family homes.

7 And so I think that part of this is
8 about saying, again, if we have a situation, as
9 we do in many parts of the state -- I represent
10 the Hudson Valley, was quoting something from
11 near Syracuse. This article also indicates some
12 similar issues out near the district that you
13 represent -- where you have single-family
14 units -- again, there are cases where we've got
15 traditional condos that, yes, they might be in a
16 multifamily building, and many new cases where
17 you have a condo that you could walk right by and
18 you would never know it's a condo because it
19 looks like a standard single-family house.

20 And again, I think it is important
21 to give a local community the option, not the
22 requirement, to treat these properties based on
23 the type of property, not the ownership class.

24 SENATOR RATH: Mr. President, on
25 the bill.

1 ACTING PRESIDENT BAILEY: Senator
2 Rath on the bill.

3 SENATOR RATH: This is a major
4 issue in my district, and it's a major issue I
5 think in many areas, suburban areas around
6 New York State.

7 I have heard from many stakeholders
8 in my district where this will be disastrous for
9 Western New York development and for Western
10 New York growth. We need measures that I believe
11 prioritize affordability and incentivize smart
12 and rational growth.

13 This measure undermines all of those
14 goals. For those reasons, Mr. President, I will
15 be in the negative. Thank you.

16 ACTING PRESIDENT BAILEY: Are there
17 any other Senators wishing to be heard?

18 Seeing and hearing none, debate is
19 closed. The Secretary will ring the bell.

20 Read the last section.

21 THE SECRETARY: Section 2. This
22 act shall take effect immediately.

23 ACTING PRESIDENT BAILEY: Call the
24 roll.

25 (The Secretary called the roll.)

1 ACTING PRESIDENT BAILEY: Announce
2 the results.

3 THE SECRETARY: In relation to
4 Calendar Number 1890, those Senators voting in
5 the negative are Senators Akshar, Bailey,
6 Borrello, Boyle, Comrie, Gallivan, Gaughran,
7 Griffo, Helming, Kennedy, Lanza, Liu, Martucci,
8 Mattera, Mayer, Oberacker, O'Mara, Palumbo,
9 Ramos, Rath, Serino, Skoufis, Stavisky, Tedisco
10 and Weik.

11 Ayes, 38. Nays, 25.

12 ACTING PRESIDENT BAILEY: The bill
13 is passed.

14 THE SECRETARY: Calendar Number
15 1922, Senate Print 74A, by Senator Hoylman, an
16 act to amend the Estates, Powers and Trusts.

17 ACTING PRESIDENT BAILEY: Senator
18 Borrello, why do you rise?

19 SENATOR BORRELLO: Mr. President,
20 will the sponsor yield for questions on something
21 else?

22 ACTING PRESIDENT BAILEY: Senator
23 Hoylman, will you yield?

24 SENATOR HOYLMAN: Yes,
25 Mr. President.

1 ACTING PRESIDENT BAILEY: The
2 sponsor yields.

3 SENATOR BORRELLO: All right. It's
4 been a while, Senator Hoylman.

5 SENATOR HOYLMAN: Yes.

6 SENATOR BORRELLO: Through you,
7 Mr. President. I know this bill is going to
8 expand those who can get damages in medical
9 malpractice.

10 My first question is, you know,
11 New York State is already the highest when it
12 comes to medical malpractice payouts -- in 2019,
13 \$661 million, dwarfing Pennsylvania at
14 \$394 million and Florida at \$335 million.

15 New York State also leads the nation
16 in payouts per resident, at \$37.04 for every
17 single man, woman and child in New York State.

18 So why do you think that is? And do
19 you think that's a problem?

20 SENATOR HOYLMAN: Through you,
21 Mr. President. This bill is important because it
22 resets not just who can file a wrongful death,
23 but what they can file for. The bill authorizes
24 the recovery of noneconomic damages.

25 Under the current law, a jury or

1 judge in a wrongful death case can only award
2 damages based on pecuniary or financial loss.
3 This excludes noneconomic loss, such as emotional
4 harm experienced by a decedent's loved ones.

5 And this bill would remove that
6 restriction and expand possible damages to
7 include grief or anguish caused by the death,
8 loss of love, society, protection, comfort,
9 companionship and consortium, loss of nurture,
10 guidance, counsel, advice, training and education
11 and training resulting from the death.

12 New York is an outlier. We are one
13 of only two states that don't allow noneconomic
14 damages.

15 And another thing I wish to point
16 out, Mr. President, is that this statute hasn't
17 been updated in 175 years. In fact, it was 1847
18 when this law was written. That was when James
19 Polk was president, the automobile hadn't yet
20 been invented, antiseptics, aspirin, penicillin
21 were not available. Dick Gottfried had just
22 finished his first term in the Assembly.

23 (Laughter; applause.)

24 SENATOR HOYLMAN: It is time to
25 update this statute for the people of New York.

1 SENATOR BORRELLO: Mr. President,
2 will the sponsor continue to yield.

3 ACTING PRESIDENT BAILEY: Senator
4 Borrello, are you going to ask questions after
5 that? All right.

6 (Laughter.)

7 ACTING PRESIDENT BAILEY: Will the
8 sponsor yield?

9 SENATOR HOYLMAN: Yes,
10 Mr. President.

11 ACTING PRESIDENT BAILEY: The
12 sponsor yields.

13 SENATOR BORRELLO: Notwithstanding
14 that.

15 Well, you know, your bill calls for
16 a surviving close family member, which is really
17 kind of a vague term. So wouldn't this really
18 allow an unlimited amount of family members to
19 recover damages from wrongful death?

20 SENATOR HOYLMAN: Well, a
21 distributee right now is defined in the statute
22 and refers to only one who is entitled to
23 property from the decedent under the inheritance
24 statutes.

25 This bill would remove that

1 restriction and allow for the award of damages to
2 any surviving close family member, including a
3 spouse, children or parents.

4 The bill would expressly include
5 domestic partners, among those for whom damages
6 may be recovered. And the bill would instruct
7 the fact-finder to determine who qualifies as a
8 close family member of the decedent, so it would
9 be up to the jury to determine that.

10 SENATOR BORRELLO: Mr. President,
11 will the sponsor continue to yield.

12 ACTING PRESIDENT BAILEY: Will the
13 sponsor yield?

14 SENATOR HOYLMAN: Yes,
15 Mr. President.

16 ACTING PRESIDENT BAILEY: The
17 sponsor yields.

18 SENATOR BORRELLO: You mentioned
19 trying to bring us in line with other states,
20 and -- but other states actually cap those
21 awards. This bill does not. Is that a concern?

22 SENATOR HOYLMAN: Through you,
23 Mr. President. Not all states do cap. Illinois,
24 in fact, just removed their caps recently, and we
25 haven't seen skyrocketing medical malpractice

1 insurance fees there.

2 But here's another concern about
3 caps. We think the Constitution of the State of
4 New York actually prohibits caps. Article 1,
5 Section 16 says "The right of action now existing
6 to recover damages for injuries resulting in
7 death shall never be abrogated and the amount
8 recoverable shall not be subject to any statutory
9 limitations."

10 SENATOR BORRELLO: Mr. President,
11 will the sponsor continue to yield.

12 ACTING PRESIDENT BAILEY: Will the
13 sponsor yield?

14 SENATOR HOYLMAN: Yes,
15 Mr. President.

16 ACTING PRESIDENT BAILEY: The
17 sponsor yields.

18 SENATOR BORRELLO: So we're going
19 to have unlimited amounts of awards for what
20 could potentially be an unlimited amount of
21 people. Studies show that this is going to
22 increase the cost of medical liability premiums
23 by as much as 39.5 percent.

24 You know, we have hospitals that
25 just got through COVID, hospitals and doctors

1 that are struggling. Do you have a concern for
2 this actually having a negative impact for us --
3 for hospitals to be able to provide care?

4 SENATOR HOYLMAN: Through you,
5 Mr. President. Of course we should all be
6 concerned about our hospitals.

7 Let me say that if a jury sets an
8 award, a judge can examine that award, and that
9 happens routinely currently. And that would
10 happen under this statute.

11 And not only does the statute
12 recognize that families take many different
13 shapes, but also that no money can replace a
14 loved one who's lost -- a father, a daughter, a
15 sibling, a domestic partner or a spouse. But
16 financial compensation for family members
17 grieving a loved one's wrongful death is a
18 necessary accountability tool. We think that
19 this statute is actually going to make
20 institutions and others safer as a result.

21 SENATOR BORRELLO: Mr. President,
22 on the bill.

23 ACTING PRESIDENT BAILEY: Senator
24 Borrello on the bill.

25 SENATOR BORRELLO: Senator Hoylman,

1 thank you very much for indulging me at this late
2 hour.

3 You know, I think we already know
4 that New York State is probably the most
5 expensive place to do any kind of business. But
6 when we start talking about healthcare, I've
7 heard a lot of people in this chamber bemoan the
8 high cost of healthcare.

9 We are about to raise one of the
10 most expensive parts of being a doctor in
11 New York State, which is liability insurance, by
12 about 40 percent. So we can't replace anyone, we
13 can't replace their grief, but we're going to put
14 a price tag on it and it's going to have no cap.

15 I understand that there are a lot of
16 people out there who make a lot of money by
17 recovering damages on behalf of grief-stricken
18 loved ones. I get that. But the problem is
19 New York State already has a problem. We're
20 already the most expensive place to do pretty
21 much anything, and certainly healthcare is among
22 the highest in the nation. And we talk about how
23 we're going to provide universal healthcare.
24 Well, things like this make healthcare less and
25 less affordable.

1 So I don't think this is a good
2 idea. I don't think the people of New York
3 State, who are trying to just afford the basic
4 cost of living, think this is a good idea, and
5 I'll be a no on this one.

6 So, Mr. President, that's all I have
7 on this one. Thank you.

8 ACTING PRESIDENT BAILEY: Thank
9 you, Senator Borrello.

10 Are there any other Senators wishing
11 to be heard?

12 Seeing and hearing none -- Senator
13 Savino on the bill.

14 SENATOR SAVINO: Thank you,
15 Mr. President.

16 I rise in support of this bill. You
17 know, I've been here a long time now, 18 years.
18 In fact, when I first arrived in the Senate --
19 after I was recruited by Senator Krueger and her
20 colleague Senator Schneiderman and the former
21 Senator Paterson, who went on to become the
22 Governor -- I arrived here in the Senate and I
23 sat in that very chair where Senator Hoylman is
24 sitting now. That was my first desk. And if you
25 look in the desk, you'll see my name signed in

1 there.

2 By the way, you should all sign your
3 desks. One of these desks belonged to FDR; his
4 name is in here somewhere. I think Senator
5 Kennedy's desk is signed by George W. Plunkitt,
6 who seen his opportunities and he took 'em.
7 That's quite true. I went from that desk to that
8 desk to three desks in the back there (pointing).

9 And over the 18 years, I've been a
10 cosponsor of Senator Hoylman's bill, and I've
11 heard all of the horror stories of what would
12 happen, and what would happen to New York if we
13 don't do it. And over those 18 years, as we
14 know, 30 other states have had this statute in
15 place, and none of the horror stories came to
16 pass there.

17 But a lot of other things, you know,
18 I've learned along the way. I didn't know
19 anything about medical malpractice when I got
20 here. I didn't know anything about energy policy
21 when I got here. I didn't know anything about a
22 lot of things when I got here. I knew a little
23 bit about a lot. And I learned so much from so
24 many people.

25 I can remember sitting in that desk,

1 sitting next to Senator John Sabini, who sat in
2 the chair that is now Senator Tedisco's. And
3 every day I would sit next to him and say,
4 "What's going on?" I had no idea.

5 I don't remember the first time I
6 spoke on the floor of the Senate, but I do
7 remember my first debate, and it was against
8 Senator Skelos, who was quite annoyed that I had
9 the nerve to lay aside one of his bills.

10 (Laughter.)

11 SENATOR SAVINO: I have been here
12 through six majority leaders, five governors.
13 I've lost track of the number of lieutenant
14 governors that have presided over the Senate.

15 (Laughter.)

16 SENATOR SAVINO: It has been an
17 amazing ride. We have made history in this
18 chamber -- sometimes good, and sometimes bad. I
19 have written some amazing pieces of legislation
20 with the help of the people in this chamber.

21 The first Domestic Workers' Bill of
22 Rights in the nation, correcting an 85-year
23 injustice to women, particularly women of color.
24 We wrote the most comprehensive wage theft law in
25 the country. It set the standard for other

1 states. Medical marijuana. Couldn't have done
2 it without many of you in this room. Over and
3 over and over, we made history. Again, as I say,
4 sometimes it was good. Sometimes it was
5 flattering. Sometimes it wasn't. I will never
6 recover from seeing the image of myself with a
7 clown head superimposed on it on the front page
8 of the New York Post sitting in that chair over
9 there.

10 But that is the price you pay for
11 being an elected official. You take the
12 brickbats with the accolades, and we move on.
13 Because public service is a calling.

14 None of us are able to do what we do
15 without the people that first got us here and
16 then the people that make sure we stay here, and
17 that's our staff. I have been blessed since I
18 got elected to have had the same chief of staff
19 for 18 years: Robert Cataldo, he's been amazing.
20 The same scheduler, Joanne Carbone, 18 years.
21 Barbara O'Neill, my legislative director, who has
22 been probably one of the most prolific
23 legislative staffers. She's worked for the
24 Legislature for 32 years.

25 I could go on and on about all of

1 the staff. Our central staff are amazing. None
2 of us could get anything done without them. You
3 see them during the budget process. They work
4 ungodly hours. And they manage to put together
5 briefings and make us look good every day.

6 The sergeants-at-arms that take care
7 of us, who protect us, make sure this chamber is
8 protected. The staff here every day, running
9 chamber, who understand the integrity of the
10 Senate, respect it. We couldn't do it without
11 any of you.

12 So I've been asked a million times
13 am I going to miss it. Of course there will be
14 things I miss. Of course. But, you know, you've
15 got to know when it's time to move on and do
16 other things.

17 I am now, Senator Lanza, the
18 second-longest-serving Senator from
19 Staten Island -- after Senator Marchi, who served
20 for 54 years. I was not going to meet that goal.
21 You will now move on to be the senior Senator
22 from Staten Island. And I know you're up to the
23 task.

24 But to every person in this chamber
25 who has helped me, who has criticized me --

1 (Laughter.)

2 SENATOR SAVINO: Criticism is
3 important. We have to be willing to listen to
4 each other. But people who have been there and
5 worked with me and allowed me to be able to
6 deliver for not just the people that I represent,
7 but for the people of the State of New York, I
8 want to thank you.

9 And finally, to the Senate Majority
10 Leader, Andrea Stewart-Cousins, who did not have
11 to take me in. You know, I belonged to a little
12 ragtag bunch of people that pissed off some of
13 you --

14 (Laughter.)

15 SENATOR SAVINO: -- the Independent
16 Democratic Conference. We were an experiment in
17 time. And I'm -- I will -- I was proud of that,
18 and I'm still proud of it. But I know it was
19 disruptive.

20 But again, you know, when the time
21 came, she was incredibly gracious to me, brought
22 me into the conference, accepted me. And I will
23 never forget that.

24 And so this may very well be the
25 last time I speak on the floor, who knows. It

1 has been a hell of a ride. I've enjoyed every
2 minute. But it's time for me to get off now and
3 for someone else to get on.

4 Thank you, Mr. President.

5 (Extended standing ovation.)

6 ACTING PRESIDENT BAILEY: After
7 that, I must say debate is certainly closed.

8 (Laughter.)

9 ACTING PRESIDENT BAILEY: The
10 Secretary will ring the bell.

11 Read the last section.

12 THE SECRETARY: Section 2. This
13 act shall take effect immediately.

14 ACTING PRESIDENT BAILEY: Call the
15 roll.

16 (The Secretary called the roll.)

17 ACTING PRESIDENT BAILEY: Senator
18 Hoylman to explain his vote.

19 SENATOR HOYLMAN: Thank you,
20 Mr. President. I just wanted to thank my
21 colleagues for their support of this important
22 legislation.

23 You know, the current law providing
24 for economic loss only discriminates against
25 children, seniors, women, people of color --

1 those who are traditionally undervalued in our
2 society. This is a major course correction in
3 our law.

4 And this is a bipartisan effort.
5 You know, not for nothing, but we have 83 percent
6 of the New York State Senate as cosponsors.
7 That's not a supermajority, that's a super-duper
8 majority, Mr. President.

9 (Laughter.)

10 SENATOR HOYLMAN: That includes --
11 thank you -- the Minority Leader as well as so
12 many members of the Senate on my side of the
13 aisle and the other side of the aisle.

14 (Laughter.)

15 SENATOR HOYLMAN: We are going to
16 do a great thing with this legislation.

17 But I have to say, we are only here
18 because of a new voice in the Senate, a woman who
19 raised her voice and was heard by my colleagues
20 and most importantly by our Majority Leader. I
21 want to thank Senator Cordell Cleare for being
22 clear to us about the importance of this
23 legislation, for sharing with us her personal
24 story.

25 And I cannot thank you enough, but

1 New Yorkers cannot thank you enough.

2 Thank you very much.

3 (Standing ovation.)

4 ACTING PRESIDENT BAILEY: Senator
5 Hoylman to be recorded in the affirmative.

6 Senator Cleare to explain her vote.

7 SENATOR CLEARE: I wasn't going to
8 say anything, but -- and it's been a long night.
9 And I'm so proud of all of the work I have gotten
10 to do with all of you. I feel very fortunate and
11 really lucky.

12 But tonight, first I want to give
13 thanks to God, who brought me here. It was His
14 strength that got me here. And those of you who
15 know my story know, but I have a grateful heart.

16 And I have profound thanks for the
17 leader, Andrea Stewart-Cousins, for her courage,
18 for her wisdom, for her leadership. Senator Brad
19 Hoylman, thank you, sir. Assemblywoman Helene
20 Weinstein. My conference, and the people on my
21 side of the aisle.

22 (Laughter.)

23 SENATOR CLEARE: I thank you for
24 finally bringing this important wrongful death
25 legislation to the floor.

1 No family should have to lose a
2 loved one under tragic circumstances and then
3 learn during the midst of the grieving process
4 that there's no recourse and no value placed on
5 the life of the individual because they are a
6 child or a senior or someone who was defined as
7 of limited pecuniary value.

8 So this legislation, as you know, is
9 extraordinarily personal to me. And today
10 New York joins the majority of states in
11 recognizing that the worth and value of a life
12 must be measured in a thoughtful and
13 comprehensive way, taking into account
14 noneconomic damages such as loss of love,
15 society, protection, comfort, companionship,
16 nurture, guidance, counsel and advice.

17 This is a proud night, and I am
18 indeed grateful. And I vote aye.

19 Thank you. Thank you.

20 ACTING PRESIDENT BAILEY: Senator
21 Cleare to be recorded in the affirmative.

22 Announce the results.

23 THE SECRETARY: In relation to
24 Calendar 1922, those Senators voting in the
25 negative are Senators Borrello, Breslin, Brooks,

1 Cooney, Oberacker and O'Mara.

2 Ayes, 57. Nays, 6.

3 ACTING PRESIDENT BAILEY: The bill
4 is passed.

5 THE SECRETARY: Calendar Number
6 1923, Assembly Print Number 7389C, by
7 Assemblymember Kelles, an act to amend the
8 Environmental Conservation Law.

9 ACTING PRESIDENT BAILEY: Senator
10 Borrello.

11 SENATOR BORRELLO: Mr. President.

12 ACTING PRESIDENT BAILEY: Good to
13 see you again.

14 SENATOR BORRELLO: It's good to be
15 here still -- that's not true.

16 (Laughter.)

17 SENATOR BORRELLO: Will the sponsor
18 yield for a question?

19 ACTING PRESIDENT BAILEY: Will the
20 sponsor yield?

21 SENATOR PARKER: Through you,
22 Mr. President.

23 ACTING PRESIDENT BAILEY: Senator
24 Parker, good to see you.

25 (Laughter.)

1 ACTING PRESIDENT BAILEY: The
2 sponsor yields.

3 SENATOR BORRELLO: Through you,
4 Mr. President. Senator Parker, good to see you.

5 Can you explain to me what this bill
6 will do?

7 SENATOR PARKER: Yes, through you,
8 Mr. President. This bill is a bill that makes
9 sure that a very specific activity around
10 mothballed peaker plants in fact stays consistent
11 with our Climate Leadership and Community
12 Protection Act.

13 As you know, a number of years ago,
14 we have moved to a process in which we have
15 decided that we need to address the issue of
16 climate change in a very, very serious way. And
17 so members of this body banded together and
18 worked for a number of years to pass what we
19 lovingly call the CLCPA, the most bold and
20 audacious climate change legislation in the
21 history of our great nation.

22 As an effect of that, a number of
23 what we call peaker plants -- that these are
24 plants that during peak energy times in our state
25 are turned on for very short periods of time,

1 sometimes six seven, eight hours, usually not
2 more than nine to 12 hours, sometimes over the
3 course of a month.

4 What has happened is that there is
5 some economic activity that has come in, taken
6 over some of these plants, and are now running
7 some of these plants that oftentimes are very
8 dirty -- are running on coal, are running
9 sometimes on gas -- and then running these
10 plants, instead of a couple of hours a month,
11 they're running them 24 hours a day, seven days a
12 week, 365 days a year.

13 What this bill does is really two
14 things. One, it asks us to pause for a little
15 while we study the impact of this economic
16 activity on in fact our environment.

17 And the second thing it does is that
18 it asks DEC to actually do a study to find out
19 what the impact is on our ecology, on our carbon
20 footprint, and how we can actually do this
21 activity better.

22 So, in short, that's what it does.

23 SENATOR BORRELLO: Thank you,
24 Senator Parker.

25 Mr. President, will the sponsor

1 continue to yield?

2 ACTING PRESIDENT BAILEY: Will the
3 sponsor continue to yield?

4 SENATOR PARKER: Yes. Through you,
5 Mr. President.

6 ACTING PRESIDENT BAILEY: The
7 sponsor yields.

8 SENATOR BORRELLO: So we've
9 established that these peaker plants have now
10 become -- I'm going to assume, if they're doing
11 cryptocurrency mining, and that's a -- there's a
12 lot of energy that's used there. So -- but
13 they're in business, they're doing this, they've
14 made the investment. How is this going to impact
15 those operations that are currently underway?

16 SENATOR PARKER: So when we talk
17 about those operations, it is the sum total of
18 one. Right? And the legislation is prospective,
19 and so has no particular impact on the operation
20 as it currently stands.

21 SENATOR BORRELLO: Thank you,
22 Senator Parker, for that answer.

23 And Mr. President, will the sponsor
24 continue to yield?

25 ACTING PRESIDENT BAILEY: Will the

1 sponsor yield?

2 SENATOR PARKER: Yes.

3 ACTING PRESIDENT BAILEY: The
4 sponsor yields.

5 SENATOR BORRELLO: Well, there are
6 other projects that are pending out there, is my
7 understanding, and the DEC is reviewing them.
8 How will this moratorium impact those that have
9 permits currently under review by the DEC?

10 SENATOR PARKER: As far as I
11 understand, DEC has one other permit pending, and
12 it would actually pause that -- the approval of
13 that permit until the study is complete.

14 SENATOR BORRELLO: Mr. President,
15 will the sponsor continue to yield?

16 ACTING PRESIDENT BAILEY: Will the
17 sponsor yield?

18 SENATOR PARKER: Yes.

19 ACTING PRESIDENT BAILEY: The
20 sponsor yields.

21 SENATOR BORRELLO: And there are
22 others that are looking to request a change in
23 their current operations through DEC. What will
24 happen to those?

25 SENATOR PARKER: Through you,

1 Mr. President, as far as I know -- you're saying
2 that, but that's rhetorical. Because until you
3 put in an application, we don't know who's
4 actually intending to in fact, you know, be
5 involved in this particular endeavor.

6 SENATOR BORRELLO: Mr. President,
7 on the bill.

8 ACTING PRESIDENT BAILEY: Senator
9 Borrello on the bill.

10 SENATOR BORRELLO: You know, I
11 think that New York State is in a particularly
12 good position to take advantage of the
13 cryptocurrency market.

14 And I know that there are those who
15 have concerns about that when it comes to the
16 environmental inspect. But the truth of the
17 matter is if New York is going to continue to be
18 a leader in the financial world, this has to be a
19 part of it. It has to be a part of New York's
20 portfolio.

21 I think we all understand that there
22 is a movement around the planet when it comes to
23 cryptocurrencies. The United States has enjoyed
24 the American dollar as being the reserve currency
25 of the world. That puts us in a very unique

1 position. I don't know that that's always going
2 to be the case. And it's a very dangerous
3 situation, because the day that the U.S. dollar
4 is no longer the reserve currency of the world is
5 the day that we instantly become Venezuela or
6 Greece. And that's not a position we want to be
7 in.

8 So New York should be leading in
9 this effort, and I think that's incredibly
10 important.

11 (Reaction on the floor.)

12 SENATOR BORRELLO: I know you don't
13 think it's --

14 SENATOR GIANARIS: (Inaudible.)

15 SENATOR BORRELLO: Oh, I'm sorry.
16 Oh, the Greeks. Well, you know.

17 (Laughter.)

18 SENATOR BORRELLO: I'm talking
19 about the reserve currency of the world. Would
20 you let me finish, please? Thank you very much.

21 (Laughter.)

22 SENATOR BORRELLO: And with that, I
23 have no more questions. And this is my last bill
24 tonight.

25 (Laughter.)

1 SENATOR BORRELLO: Thank you all
2 very much.

3 (Laughter.)

4 ACTING PRESIDENT BAILEY: Are there
5 any other Senators wishing to be heard?

6 Senator Krueger on the bill.

7 SENATOR KRUEGER: We do have
8 entertaining debates here in the Senate, don't
9 we.

10 For the record, because there's so
11 much confusion here, this isn't going to put
12 cryptocurrency out of business in New York State
13 in any way, shape or form. As you just heard the
14 sponsor say, there is one mine in an old peaker
15 plant. We're not closing them down. We're
16 studying the impact. I suspect the impact will
17 be serious problems.

18 But you know what? There are large
19 numbers of cryptocurrency companies starting, and
20 apparently almost all of them have made a
21 commitment not to do this kind of overutilization
22 of our energy and our water, and that they have
23 pretty much all said, you know, we're sort of
24 inventing our currency so we can sell it, and
25 we've figured out we can invent it without using

1 up small countries' energy supplies.

2 So what this moratorium will do, I
3 believe, and what the DEC study will do, I
4 believe, is to wake up those in the industry who
5 think maybe this model is working for them, and
6 to say this model isn't going to work for you and
7 your competitors are going to jump way ahead of
8 you because they aren't going to have to face
9 being responsible for environmental damage, and
10 that smart entrepreneurs going into these fields
11 of cryptocurrency will realize they can build a
12 better mousetrap and get us to buy that if
13 they're not destroying our environment.

14 I have a lot of other concerns about
15 cryptocurrencies and whether it's a good idea for
16 investment or not, but that's not the topic of
17 this bill or this fight. So I think probably
18 everybody in the cryptocurrency world is not
19 necessarily watching their TV tonight on us, but
20 are watching what happens here in New York. And
21 I think the message will be very clear: You can
22 do this, just do this right.

23 And since most of the companies out
24 there have already figured out how to do that,
25 the couple of recalcitrant ones will either

1 figure that out or they weren't going to make it
2 in this market anyway.

3 I vote yes. Thank you.

4 ACTING PRESIDENT BAILEY: Are there
5 any other Senators wishing to be heard?

6 Seeing and hearing none, debate is
7 closed.

8 The Secretary will ring the bell.

9 Read the last section.

10 THE SECRETARY: Section 2. This
11 act shall take effect immediately.

12 ACTING PRESIDENT BAILEY: Call the
13 roll.

14 (The Secretary called the roll.)

15 ACTING PRESIDENT BAILEY: Senator
16 Parker to explain his vote.

17 SENATOR PARKER: Thank you,
18 Mr. President.

19 Let me thank all of my colleagues
20 and the leader for letting this legislation come
21 forward. I know for a lot of my colleagues this
22 was a difficult vote to take. I think there was
23 a lot of miseducation.

24 I want to thank Liz Krueger, because
25 I think that she certainly, you know, laid out

1 the fact that this is not an anti-cryptocurrency
2 vote or bill.

3 You know, first, I'm
4 pro-cryptocurrency. I'm pro-cryptocurrency
5 mining in the State of New York. But it has to
6 happen in comportment with the CLCPA and with our
7 climate goals. And some of the activity that
8 we're seeing now is certainly not that way, and
9 we certainly want to kind of be in a place where
10 we can protect our environment.

11 But also we understand that if, you
12 know, folks want to do cryptocurrency mining in
13 the State of New York -- which, again, I'm very
14 open to -- that they should do it in a
15 sustainable way. Developing sustainable energy
16 is our next best opportunity to create full-time
17 jobs at a living wage with benefits in this great
18 state. And we need those all over the state.
19 And certainly looking forward to both the study
20 but also an opportunity to work with these
21 companies as we grow our economy.

22 And as I take my seat,
23 Mr. President, let me just say "opa" to all of
24 the people of Greece.

25 SENATOR GIANARIS: Thank you,

1 Kevin.

2 (Laughter.)

3 ACTING PRESIDENT BAILEY: Senator
4 Parker to be recorded in the affirmative.

5 Announce the results.

6 THE SECRETARY: In relation to
7 Calendar 1923, those Senators voting in the
8 negative are Senators Addabbo, Akshar, Borrello,
9 Boyle, Cooney, Gallivan, Gaughran, Griffo,
10 Helming, Jordan, Kaminsky, Kennedy, Mannion,
11 Martucci, Mattera, Oberacker, O'Mara, Ortt,
12 Palumbo, Rath, Ritchie, Savino, Serino, Skoufis,
13 Stec, Tedisco and Weik.

14 Ayes, 36. Nays, 27.

15 ACTING PRESIDENT BAILEY: The bill
16 is passed.

17 THE SECRETARY: Calendar Number
18 1925, Senate Print 8850, by Senator Kavanagh, an
19 act to amend Chapter 56 of the Laws of 2021.

20 ACTING PRESIDENT BAILEY: Senator
21 O'Mara.

22 SENATOR O'MARA: Yes, good morning,
23 Mr. President. Will the sponsor yield for a
24 couple of questions.

25 ACTING PRESIDENT BAILEY: Will the

1 sponsor yield for -- will the sponsor yield?

2 SENATOR KAVANAGH: Yes,
3 Mr. President.

4 ACTING PRESIDENT BAILEY: The
5 Senator yields.

6 SENATOR O'MARA: Senator Kavanagh,
7 could you I guess just briefly explain what
8 this -- this is a pretty brief bill -- so what
9 you're attempting to do here with regards to the
10 Emergency Rental Assistance Program?

11 SENATOR KAVANAGH: Yes. Through
12 you, Mr. President, this is, as has been noted,
13 an amendment to the Emergency Rental Assistance
14 Program that was enacted as part of the budget in
15 2021. That program, of course, is a program that
16 is intended to pay rent arrears that were
17 accumulated during the COVID pandemic.

18 We have funded that program to date
19 with about \$3.55 billion, and also supplemented
20 that program with a program called LRAP, which
21 focuses on landlord debts at about \$375 million,
22 for a total of about \$4 billion.

23 When the program was initially
24 enacted, it had a provision in it that said that
25 residents of public housing or residents of

1 certain other housing where the rent -- the
2 tenant contribution of the rent can be adjusted,
3 or is a set percentage of income, that those
4 tenants are eligible for the program, but they
5 effectively went to the bottom of the list.

6 This bill repeals the 50 words that
7 provided for that and just puts tenants in public
8 housing and in Section 8 housing and other
9 programs on the same footing as tenants in any
10 other kind of housing in the state.

11 SENATOR O'MARA: Through you,
12 Mr. President, will the sponsor continue to
13 yield.

14 ACTING PRESIDENT BAILEY: Will the
15 sponsor yield?

16 SENATOR KAVANAGH: Yes,
17 Mr. President.

18 ACTING PRESIDENT BAILEY: The
19 sponsor yields.

20 SENATOR O'MARA: Senator, these
21 tenants in the public authority subsidized
22 housing, if I'm phrasing that correctly, those
23 property owners -- the public housing authority
24 at that point -- they continued to receive the
25 subsidized rent payments throughout COVID, isn't

1 that correct?

2 SENATOR KAVANAGH: Through you,
3 Mr. President, the public housing authorities did
4 indeed continue to receive money from the federal
5 government, as they do every year. That funding
6 actually has been calculated by Congress at only
7 a fraction of the need in public authorities
8 throughout the states. So they've been
9 underfunded for quite a while.

10 But with respect to these particular
11 tenants, there was an adjustment downward in some
12 cases of the rent that the tenant was paying,
13 but -- and there was some expectation when the
14 original bill that we're amending today was
15 passed that HUD, the federal agency, would
16 subsidize -- would do direct subsidies for lost
17 revenue during COVID.

18 Subsequent to that, subsequent to
19 our passage of this, the federal Treasury
20 Department put out guidance that made it clear
21 that public housing authorities should be
22 eligible for this program. So HUD declined to
23 increase the amount of subsidy that the housing
24 authorities got to offset the reduction in rent
25 that these tenants were able to pay.

1 So they were continuing to receive
2 money, but they didn't receive more as a result
3 of having the lost revenue from the tenants.

4 SENATOR O'MARA: Through you,
5 Mr. President, if the sponsor will yield for
6 another question.

7 ACTING PRESIDENT BAILEY: Does the
8 sponsor yield?

9 SENATOR KAVANAGH: Yes,
10 Mr. President.

11 ACTING PRESIDENT BAILEY: The
12 sponsor yields.

13 SENATOR O'MARA: So this bill,
14 then, is putting those public housing authorities
15 that received subsidized rent payments throughout
16 this on a level playing field with property
17 owners or landlords of housing that were not
18 receiving subsidized payments, so that perhaps
19 were receiving no rent at all during this period.
20 Is that correct?

21 SENATOR KAVANAGH: Through you,
22 Mr. President, this program, the Emergency Rental
23 Assistance Program, is intended to cover arrears
24 that were built up during the COVID period. So
25 it could conceivably be that all of a landlord's

1 tenants were able to pay no rent at all, and this
2 program would pay for that.

3 In many cases the -- I mean, it's
4 conceivable also that somebody who's benefiting
5 from this bill also could have received very
6 little rent and very little subsidy.

7 But yes, generally speaking, if
8 you're benefiting from the bill we're passing
9 today -- and again, only benefiting by, you know,
10 treating you the same as any other resident --
11 you probably were receiving some subsidy during
12 that period.

13 And I would just note again this is
14 not just public housing authorities, but perhaps
15 providers of housing through the Section 8
16 program.

17 SENATOR O'MARA: Through you,
18 Mr. President, if the sponsor will continue to
19 yield.

20 ACTING PRESIDENT BAILEY: Will the
21 sponsor yield?

22 SENATOR KAVANAGH: Yes,
23 Mr. President.

24 ACTING PRESIDENT BAILEY: The
25 sponsor yields.

1 SENATOR O'MARA: Out of the total
2 amount that's been appropriated for these
3 programs -- I think you said at the beginning
4 3-point-something billion dollars has been put
5 towards this?

6 SENATOR KAVANAGH: 3.925, if you
7 include the LRAP program.

8 SENATOR O'MARA: Now, how much of
9 that right now has been used or applied for? And
10 what funds are remaining in this program to be
11 distributed?

12 SENATOR KAVANAGH: Again, I'm going
13 to separate out the LRAP for a second. We did
14 \$250 million in LRAP in Year 1, and we did
15 another 125 million in this year's budget. I
16 don't actually have figures for that.

17 But on the ERAP program, again, we
18 did a total of about 3.55 billion. That includes
19 some administrative costs. Roughly speaking,
20 there should be about \$3.2 billion available.
21 And as of May 25th, \$2.3 billion of that had been
22 obligated for the payment. Which would leave
23 about \$900 million remaining that was unobligated
24 as of about a week ago.

25 SENATOR O'MARA: Through you,

1 Mr. President, if the sponsor will continue to
2 yield.

3 ACTING PRESIDENT BAILEY: Would the
4 sponsor yield?

5 SENATOR KAVANAGH: Yes,
6 Mr. President.

7 ACTING PRESIDENT BAILEY: The
8 sponsor yields.

9 SENATOR O'MARA: Is this bill
10 dealing with just the ERAP portion or is it the
11 LRAP?

12 SENATOR KAVANAGH: It does not
13 include the LRAP program. I just thought that
14 was important to sort of indicate the totality of
15 our state investment in this program, including
16 the fact that all of that LRAP money is state
17 money.

18 And just to make the point that of
19 the total program, \$2.75 billion is federal money
20 and \$1.2 billion is state money. There is no
21 state in America that has put nearly that much
22 state money into an effort to pay the rent that
23 has been lost by landlords throughout the state.

24 SENATOR O'MARA: Through you,
25 Mr. President, if the sponsor will continue to

1 yield.

2 ACTING PRESIDENT BAILEY: Will the
3 sponsor yield?

4 SENATOR KAVANAGH: Yes,
5 Mr. President.

6 ACTING PRESIDENT BAILEY: The
7 sponsor yields.

8 SENATOR O'MARA: Now, the funds
9 that are being affected by this legislation, the
10 ERAP funds, those payments, when awarded, go to
11 who? Directly to the landlord, or do they go to
12 the tenant -- through the tenant, supposedly to
13 the landlord?

14 SENATOR KAVANAGH: Through you,
15 Mr. President, all payments in this program go to
16 the landlord and not to the tenant.

17 SENATOR O'MARA: Through you,
18 Mr. President, if the sponsor would continue to
19 yield.

20 ACTING PRESIDENT BAILEY: Will the
21 sponsor yield?

22 SENATOR KAVANAGH: Yes,
23 Mr. President.

24 ACTING PRESIDENT BAILEY: The
25 sponsor yields.

1 SENATOR O'MARA: Just one last
2 question, I guess it's a little bit off to the
3 side of this bill.

4 But on the LRAP program, what
5 portion of that has been exhausted at this point,
6 and what's left?

7 SENATOR KAVANAGH: Again, through
8 you, Mr. President, we did \$250 million last year
9 for that program. It is my understanding that
10 all of that had been allocated by the time we did
11 the budget this year. And in this year's budget
12 we added \$125 million of new state money to the
13 LRAP program. Since this bill does not affect
14 that, I don't have the current data on that.

15 But as of -- we added that to the
16 budget in April, and I imagine some of it has
17 been spent by now.

18 SENATOR O'MARA: Thank you,
19 Senator Kavanagh. Thank you, Mr. President.

20 ACTING PRESIDENT BAILEY: Thank
21 you, Senator O'Mara.

22 Are there any other Senators wishing
23 to be heard?

24 Seeing and hearing none, debate is
25 closed. The Secretary will ring the bell.

1 Read the last section.

2 THE SECRETARY: Section 2. This
3 act shall take effect immediately.

4 ACTING PRESIDENT BAILEY: Call the
5 roll.

6 (The Secretary called the roll.)

7 ACTING PRESIDENT BAILEY: Senator
8 Kavanagh to explain his vote.

9 SENATOR KAVANAGH: Thank you,
10 Mr. President. I'll be brief. The hour is late.
11 And I'm not leaving, as the Wolf of Wall Street
12 once said.

13 (Laughter.)

14 SENATOR KAVANAGH: But, you know, I
15 did want to just take a moment to -- you know,
16 this bill we're passing tonight is part of a
17 long-term commitment on the part of this state
18 and this house to ensure that we are paying the
19 full cost of the economic harm that has been done
20 during COVID.

21 We know that there are a lot of
22 other harms -- emotional harm, physical harm.
23 We've all suffered tragedies in our communities.
24 But we have been more committed than any other
25 state in America to ensuring that people are not

1 left with rent arrears. That includes tenants
2 who might have that hanging over them for a long
3 time, and also our property owners, who of course
4 need money to maintain their property.

5 I want to thank our leader,
6 Andrea Stewart-Cousins, for bringing this bill to
7 the floor and for her leadership in getting this
8 program up and running in the first place, and
9 all the staff and colleagues who have worked on
10 this.

11 And, you know, we're now basically
12 trying to treat residents of public housing and
13 Section 8 housing in the same way. And, you
14 know, it's sort of like had we done a bill that
15 excluded people, you know, solely because they're
16 from Greece, that would be unjust.

17 (Laughter.)

18 SENATOR KAVANAGH: And this is
19 unjust in a similar way, so we're righting that
20 injustice {sic} tonight, and I vote aye.

21 ACTING PRESIDENT BAILEY: Senator
22 Kavanagh to be recorded in the affirmative.

23 Announce the results.

24 THE SECRETARY: In relation to
25 Calendar Number 1925, those Senators voting in

1 the negative are Senators Akshar, Boyle,
2 Gullivan, Griffo, Helming, Jordan, Lanza,
3 Martucci, Mattera, Oberacker, Ortt, Palumbo,
4 Ritchie, Serino, Stec, Tedisco and Weik.

5 Ayes, 46. Nays, 17.

6 ACTING PRESIDENT BAILEY: The bill
7 is passed.

8 Senator Gianaris, that completes the
9 reading of the controversial calendar.

10 SENATOR GIANARIS: Thank you,
11 Mr. President.

12 I want to remind my colleagues that
13 without Greece, we wouldn't be enjoying the
14 democracy that puts us in this room right now.

15 (Laughter.)

16 ACTING PRESIDENT BAILEY: So
17 ordered.

18 (Laughter.)

19 SENATOR GIANARIS: And I don't want
20 my colleagues to get the wrong idea by the next
21 question, because we still have some work to do.

22 But is there any further business at
23 the desk on this fine Thursday evening?

24 ACTING PRESIDENT BAILEY: There is
25 no further business at the desk on this fine

1 Thursday evening.

2 SENATOR GIANARIS: I move to
3 adjourn until 1:45 a.m. on Friday, June 3rd.

4 ACTING PRESIDENT BAILEY: The
5 Senate will be adjourned until 1:45 a.m. on
6 June 3rd.

7 (Whereupon, at 1:43 a.m., the Senate
8 adjourned.)

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